

# FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO

Rhodia Inc

AUTHORIZING THE OPERATION OF

Baytown Plant  
Industrial Inorganic Chemicals

LOCATED AT

Harris County, Texas

LATITUDE 29° 44' 51" LONGITUDE 095° 00' 07"

Regulated Entity Number: RN100211317

This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site and emission units listed in this permit. Operation of the site and emission units listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.

This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site and emission units authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site and emission units.

Permit No: O1610 Issuance Date: \_\_\_\_\_

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For the Commission

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## **GENERAL TERMS AND CONDITIONS**

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit shall be forwarded to the TCEQ Central Office and to the TCEQ Regional Office for your site. Reports submitted must include a cover letter which identifies the following information: company name, TCEQ regulated entity number, site name, area name (if applicable), and Air Permits Division permit number.

## **SPECIAL TERMS AND CONDITIONS:**

### **Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting:**

1. Permit holder shall comply with the following requirements:
  - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
  - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
  - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.

- D. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC § 117.303 applies to the following units: 1 and PREHTRSTK.
- E. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC §§ 117.300, 117.310, 117.335, 117.340, 117.345, 117.350, and 117.354 apply to the following unit: PKGBOILSTK
- F. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emission Cap and Trade Program) Requirements:
- (i) Title 30 TAC § 101.352 (relating to General Provisions)
  - (ii) Title 30 TAC § 101.353 (relating to Allocation of Allowances)
  - (iii) Title 30 TAC § 101.354 (relating to Allowance Deductions)
  - (iv) Title 30 TAC § 101.356 (relating to Allowance Banking and Trading)
  - (v) Title 30 TAC § 101.358 (relating to Emission Monitoring and Compliance Demonstration)
  - (vi) Title 30 TAC § 101.359 (relating to Reporting)
  - (vii) Title 30 TAC § 101.360 (relating to Level of Activity Certification)
  - (viii) The terms and conditions by which the emission limits are established to meet or exceed the cap are applicable requirements of this permit
- G. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 6 (Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program) requirements:
- (i) Title 30 TAC § 101.392 (relating to Exemptions)
  - (ii) Title 30 TAC § 101.401 (relating to Level of Activity Certification)
2. Permit holder shall comply with the requirements in the Prevention of Significant Deterioration (PSD) Permit Number PSD-TX-695M2 for the following pollutants: SO<sub>2</sub>.
3. The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):

- A. Title 30 TAC § 101.1 (relating to Definitions), insofar as the terms defined in this section are used to define the terms used in other applicable requirements
  - B. Title 30 TAC § 101.3 (relating to Circumvention)
  - C. Title 30 TAC § 101.8 (relating to Sampling), if such action has been requested by the TCEQ
  - D. Title 30 TAC § 101.9 (relating to Sampling Ports), if such action has been requested by the TCEQ
  - E. Title 30 TAC § 101.10 (relating to Emissions Inventory Requirements)
  - F. Title 30 TAC § 101.201 (relating to Emission Event Reporting and Recordkeeping Requirements)
  - G. Title 30 TAC § 101.211 (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements)
  - H. Title 30 TAC § 101.221 (relating to Operational Requirements)
  - I. Title 30 TAC § 101.222 (relating to Demonstrations)
  - J. Title 30 TAC § 101.223 (relating to Actions to Reduce Excessive Emissions)
4. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
- A. For stationary vents with a flow rate of less than 100,000 actual cubic feet per minute and constructed on or before January 31, 1972 that are not listed in the Applicable Requirements Summary attachment, the permit holder shall comply with the following requirements:
    - (i) Title 30 TAC § 111.111(a)(1)(A) (relating to Requirements for Specified Sources)
    - (ii) Title 30 TAC § 111.111(a)(1)(E)
    - (iii) Title 30 TAC §§ 111.111(a)(1)(F)(i), (ii), (iii), or (iv)
    - (iv) For emission units with vent emissions subject to 30 TAC § 111.111(a)(1)(A), complying with 30 TAC §§ 111.111(a)(1)(F)(ii), (iii), or (iv), and capable of producing visible emissions from (but not limited to) particulate matter, acid gases, and NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. These periodic monitoring requirements do not apply to vents that do not emit visible

emissions such as vents that emit only VOC or vents that provide passive ventilation, such as plumbing vents; or vents that are subject to the emission limitations of 30 TAC § 111.111(a)(1)(A) and Compliance Assurance Monitoring as specified in the attached Applicable Requirements Summary and "Additional Monitoring Requirements:"

1. An observation of stationary vents from emission units in operation shall be conducted at least once during each calendar quarter unless the emission unit is not operating for the entire quarter.
2. For stationary vents from a combustion source, if an alternative to the normally fired fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are present. If such period is greater than three months, observations shall be conducted once during each quarter. Supplementing the normally fired fuel with natural gas or fuel gas to increase the net heating value to the minimum required value does not constitute creation of an alternative fuel.
3. Records of all observations shall be maintained.
4. Visible emissions observations of emission units operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of emission units operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions observations shall be made during times when the activities described in 30 TAC § 111.111(a)(1)(E) are not taking place. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.

5. Compliance Certification:

- (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC §§ 111.111(a)(1) and (a)(1)(A).
  - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.
  - (c) Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.
- B. Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.
- C. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).
- D. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
- (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits)
  - (ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in 30 TAC § 111.151(b)

- (iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c)
5. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
- A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping)
  - B. Title 40 CFR § 60.8 (relating to Performance Tests)
  - C. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements)
  - D. Title 40 CFR § 60.12 (relating to Circumvention)
  - E. Title 40 CFR § 60.13 (relating to Monitoring Requirements)
  - F. Title 40 CFR § 60.14 (relating to Modification)
  - G. Title 40 CFR § 60.15 (relating to Reconstruction)
  - H. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements)
6. The permit holder shall comply with certified registrations submitted to the TCEQ for purposes of establishing federally enforceable emission limits. A copy of the certified registration shall be maintained with the permit. Records sufficient to demonstrate compliance with the established limits shall be maintained. The certified registration and records demonstrating compliance shall be provided, on request, to representatives of the appropriate TCEQ regional office and any local air pollution control agency having jurisdiction over the site. The permit holder shall submit updated certified registrations when changes at the site require establishment of new emission limits. If changes result in emissions that do not remain below major source thresholds, the permit holder shall submit a revision application to codify the appropriate requirements in the permit.

#### **Additional Monitoring Requirements**

7. The permit holder shall comply with the periodic monitoring requirements as specified in the attached "Periodic Monitoring Summary" upon issuance of the permit. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality-assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permit holder shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "Periodic Monitoring Summary," for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall



data be collected and used in particular instances to avoid reporting deviations. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).

### **New Source Review Authorization Requirements**

8. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule, standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
  - A. Are incorporated by reference into this permit as applicable requirements
  - B. Shall be located with this operating permit
  - C. Are not eligible for a permit shield
9. The permit holder shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.

### **Compliance Requirements**

10. The permit holder shall certify compliance with all permit terms and conditions using, at a minimum (but not limited to) the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.
11. The permit holder shall adhere to the provisions in the Compliance Schedule attachment of this permit and submit certified progress reports consistent with the schedule established under 30 TAC § 122.132(e)(4)(C) and including the information specified in 30 TAC § 122.142(e)(2). Those emission units listed in the Compliance Schedule attachment shall adhere with the requirements in the Compliance Schedule attachment until operating fully in compliance with the applicable requirements.
12. Permit holder shall comply with the following 30 TAC Chapter 117 requirement:
  - A. The permit holder shall comply with the compliance schedules and submit written notification to the TCEQ Executive Director as required in 30 TAC Chapter 117, Subchapter H, Division 1:
    - (i) For sources in the Houston-Galveston Nonattainment area, 30 TAC § 117.9020:

(1) Title 30 TAC §§ 117.9020(2)(A), (C), and (D)

B. The permit holder shall comply with the Initial Control Plan unit listing requirement in 30 TAC §§ 117.350(c) and (c)(1).

13. Use of Emission Credits to Comply with Applicable Requirements:

A. Unless otherwise prohibited, the permit holder may use emission credits to comply with the following applicable requirements listed elsewhere in this permit:

- (i) Title 30 TAC Chapter 115
- (ii) Title 30 TAC Chapter 117
- (iii) Offsets for Title 30 TAC Chapter 116

B. The permit holder shall comply with the following requirements in order to use the emission credits to comply with the applicable requirements:

- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.306(c)(2)
- (ii) The emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 1
- (iii) The executive director has approved the use of the credit according to 30 TAC § 101.306(c)(2)
- (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.302(g) and 30 TAC Chapter 122

14. Use of Discrete Emission Credits to Comply with Applicable Requirements:

A. Unless otherwise prohibited, the permit holder may use discrete emission credits to comply with the following applicable requirements listed elsewhere in this permit:

- (i) Title 30 TAC Chapter 115
- (ii) Title 30 TAC Chapter 117
- (iii) If applicable, offsets for Title 30 TAC Chapter 116
- (iv) Temporarily exceed state NSR permit allowables

- B. The permit holder shall comply with the following requirements in order to use the credit to comply with the applicable requirements:
- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.376(d)
  - (ii) The discrete emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 4
  - (iii) The executive director has approved the use of the discrete emission credits according to 30 TAC § 101.376(d)(1)(A)
  - (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.372(h) and 30 TAC Chapter 122

### **Risk Management Plan**

15. For processes subject to 40 CFR Part 68 and specified in 40 CFR § 68.10, the permit holder shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR Part 68. The permit holder shall submit to the appropriate agency either a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR § 68.10(a), or as part of the compliance certification submitted under this permit, a certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of a risk management plan.

### **Permit Location**

16. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

### **Permit Shield (30 TAC § 122.148)**

17. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

**ATTACHMENTS**

**Applicable Requirements Summary**

**Additional Monitoring Requirements**

**Permit Shield**

**New Source Review Authorization References**

**Schedules**

**APPLICABLE REQUIREMENTS SUMMARY**

**Unit Summary** ..... 12

**Applicable Requirements Summary** ..... 14

Note: A “none” entry may be noted for some emission sources in this permit’s “Applicable Requirements Summary” under the heading of “Monitoring and Testing Requirements” and/or “Recordkeeping Requirements” and/or “Reporting Requirements.” Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Recordkeeping Terms and Conditions (30 TAC § 122.144), Reporting Terms and Conditions (30 TAC § 122.145), and Compliance Certification Terms and Conditions (30 TAC § 122.146) continue to apply.

### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0001	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP LESS THAN 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS), DAILY THROUGHPUT = NO VALUE
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0002	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP GREATER THAN OR EQUAL TO 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS)
PKGBOILSTK	PACKAGE BOILER	N/A	R7ICI-0001	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	R7ICI-0002	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	PSD	Prevention of Significant Deterioration	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.

### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRPACIDTNK	STORAGE TANKS/VESSELS	T-5, T-6, T-7, T-8	R5112-0001	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
T-16	STORAGE TANKS/VESSELS	N/A	R5112-0004	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
BARGE-DOCK	EU	R5211-0001	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(1) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Vapor pressure (at land-based operations). All land-based loading and unloading of VOC with a true vapor pressure less than 0.5 psia is exempt from the requirements of this division, except as specified.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B)	None
BARGE-DOCK	EU	R5211-0002	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(2)(A) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Any plant, excluding gasoline bulk plants, which loads less than 20,000 gpd of VOC with a true vapor pressure of 0.5 psia or greater is exempt from the requirements of this division, except for the specified requirements.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B) § 115.216(3)(D)	None
PKGBOILSTK	EU	R71CI-0001	NOX	30 TAC Chapter 117, Commercial	§117.300 §117.310 §117.335 §117.340 §117.345 §117.350 §117.354	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable monitoring and testing requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
1	EU	R71CI-0002	NOX	30 TAC Chapter 117, Commercial	§ 117.300 The permit holder shall comply with the applicable limitation, standard and/or equipment specification requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable monitoring and testing requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
1	EU	PSD	**	Prevention of Significant Deterioration	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2



### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
1	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c)	§ 112.2(c)	§ 112.2(b)
1	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b)(2)	Sulfuric acid plants or facilities used exclusively as SO2 control systems, chamber process plants, acid concentrators, or oleum storage and transfer facilities are exempt from this section.	None	None	None
1	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)
1	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
1	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
T-16	EU	R5112-0004	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5)	§ 115.116(a)(4) § 115.116(a)(5)	None
GRPACIDTNK	EU	R5112-0001	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5) **See Periodic Monitoring	§ 115.116(a)(4) § 115.116(a)(5)	None
PRO-REGEN	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c)	§ 112.2(c)	§ 112.2(b)
PRO-REGEN	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b) § 112.41(b)(1)	Sulfuric acid or oleum facilities may not permit emissions of H2SO4 mist to exceed 0.50 lb/ton (0.25 gram/kg) of 100% H2SO4 produced when burning specified compounds by the contact process.	§ 112.43(b) § 112.43(c) [G]§ 112.43(c)(1) [G]§ 112.43(c)(2) § 112.45(a)	[G]§ 112.45(b)	None

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
PRO-REGEN	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)
PRO-REGEN	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
PRO-REGEN	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None

**ADDITIONAL MONITORING REQUIREMENTS**

**Periodic Monitoring Summary ..... 19**

## Periodic Monitoring Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: GRPACIDTNK	Applicable Form: OP-UA03
Control Device ID No.: N/A	Control Device Type: N/A
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 115, Storage of VOCs	SOP Index No.: R5112-0001
Pollutant: VOC	Main Standard: § 115.112(a)(1)
MONITORING INFORMATION	
Indicator: Combustion Temperature/ Exhaust Gas Temperature	
Minimum Frequency: once per week	
Averaging Period: n/a*	
Deviation Limit: Minimum Temperature = 1825	
<p>Periodic Monitoring Text: Measure and record the combustion temperature in the combustion chamber or immediately downstream of the combustion chamber. The monitoring instrumentation shall be maintained, calibrated and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data below the minimum limit shall be considered and reported as a deviation.</p>	

**\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.**



**PERMIT SHIELD**

**Permit Shield ..... 21**

### Permit Shield

The TCEQ Executive Director has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

Unit/Group/Process		Regulation	Basis of Determination
ID No.	Group/Inclusive Units		
PKGBOILSTK	N/A	40 CFR Part 60, Subpart Db	Boiler was constructed prior to 06/19/1984.
BTCT	N/A	40 CFR Part 63, Subpart Q	Cooling tower has not operated with chromium based chemicals on or after 09/18/1994.
GRPACIDTNK	T-5, T-6, T-7, T-8	40 CFR Part 60, Subpart K	Tanks were constructed prior to 1973.
T-16	N/A	40 CFR Part 60, Subpart K	Tanks were constructed prior to 1973.

**NEW SOURCE REVIEW AUTHORIZATION REFERENCES**

**New Source Review Authorization References ..... 23**  
**New Source Review Authorization References by Emission Unit ..... 24**



### New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

PSD Permits	NA Permits
PSD Permit No.: PSD-TX-695M2	NA Permit No.:
PSD Permit No.:	NA Permit No.:
PSD Permit No.:	NA Permit No.:
Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.	
Authorization No.:	Authorization No.:
Authorization No.: 56534	Authorization No.: 9565
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Permits By Rule (30 TAC Chapter 106) for the Application Area	
Number:	Version No./Date:
Number: 007	Version No./Date: 08/11/1989
Number: 106.261	Version No./Date: 11/01/2003
Number: 106.262	Version No./Date: 09/04/2000
Number: 106.371	Version No./Date: 03/14/1997
Number: 106.472	Version No./Date: 03/14/1997
Number: 106.478	Version No./Date: 03/14/1997
Number:	Version No./Date:
Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum	
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:

### New Source Review Authorization References by Emissions Unit

The following is a list of New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Unit/Group/Process ID No.	Emission Unit Name /Description	New Source Review Authorization
1	FURNACE	9565, PSD-TX-695M2
BARGE-DOCK	SPENT ACID LOADING	56534
BTCT	COOLING TOWER	106.371/03/14/1997
PKGBOILSTK	PACKAGE BOILER	007/08/11/1989
PREHTRSTK	PREHEATER	007/08/11/1989
PRO-REGEN	REGEN PROCESS UNIT	9565
T-16	SPENT ACID STORAGE TANK	56534
T-5	SPENT ACID STORAGE TANK	56534
T-6	SPENT ACID STORAGE TANK	56534
T-7	SPENT ACID STORAGE TANK	56534
T-8	SPENT ACID STORAGE TANK	56534

**SCHEDULES**

**Compliance Schedule ..... 26**

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
T-16	EU	R5112-0002	PM	115.112(a)(1)	Storage tank must be controlled by a VRS and control device
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method-Citation	Text Description				
115.112(a)(1)	Storage tank must be controlled by a VRS and control device			NSR 56534 permit amendment application	
C. Brief Description of the Noncompliance Situation					
Storage tank with maximum true vapor pressure greater than 1.5 psia is not equipped with a VRS and control device					
D. Brief Description of Corrective Action Plan					
Vapor combustor to be installed to control emissions from T-16 per Permit No. 56534					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Tank T-16 was emptied, cleaned, and removed from service by March 1, 2007 and will remain out of service until the vapor combustor is installed				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Semi-annual beginning six months after permit issuance.		

**APPENDIX A**

**Acronym List ..... 28**

## ACRONYM LIST

The following abbreviations or acronyms may be used in this permit:

ACFM	.....	actual cubic feet per minute
AMOC	.....	alternate means of control
ARP	.....	Acid Rain Program
ASTM	.....	American Society of Testing and Materials
B/PA	.....	Beaumont/Port Arthur (nonattainment area)
CAM	.....	Compliance Assurance Monitoring
CD	.....	control device
COMS	.....	continuous opacity monitoring system
CVS	.....	closed-vent system
D/FW	.....	Dallas/Fort Worth (nonattainment area)
DR	.....	Designated Representative
EIP	.....	El Paso (nonattainment area)
EP	.....	emission point
EPA	.....	U.S. Environmental Protection Agency
EU	.....	emission unit
FCAA Amendments	.....	Federal Clean Air Act Amendments
FOP	.....	federal operating permit
GF	.....	grandfathered
gr/100 scf	.....	grains per 100 standard cubic feet
HAP	.....	hazardous air pollutant
H/G	.....	Houston/Galveston (nonattainment area)
H <sub>2</sub> S	.....	hydrogen sulfide
ID No.	.....	identification number
lb/hr	.....	pound(s) per hour
MMBtu/hr	.....	Million British thermal units per hour
MRRT	.....	monitoring, recordkeeping, reporting, and testing
NA	.....	nonattainment
N/A	.....	not applicable
NADB	.....	National Allowance Data Base
NO <sub>x</sub>	.....	nitrogen oxides
NSPS	.....	New Source Performance Standard (40 CFR Part 60)
NSR	.....	New Source Review
ORIS	.....	Office of Regulatory Information Systems
Pb	.....	lead
PBR	.....	Permit By Rule
PM	.....	particulate matter
ppmv	.....	parts per million by volume
PSD	.....	prevention of significant deterioration
RO	.....	Responsible Official
SO <sub>2</sub>	.....	sulfur dioxide
TSP	.....	total suspended particulate
TVP	.....	true vapor pressure
U.S.C.	.....	United States Code
VOC	.....	volatile organic compound

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



AG 0696Q  
TTV-AIR  
P 1610

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

December 1, 2008

MR JAMES HARTON  
PRESIDENT ECO SERVICES  
RHODIA INC  
8 CEDAR BROOK DR  
CRANBURY NJ 08512-7500

Re: Final Revised Permit Approval  
Minor Revision  
Permit Number: O1610  
Rhodia Inc.  
Baytown Plant  
Baytown, Harris County  
Regulated Entity Number: RN100211317  
Customer Reference Number: CN600125330  
Account Number: HG-0696-Q

Dear Mr. Harton:

The revised effective federal operating permit (FOP) for Rhodia Inc., Baytown Plant, is enclosed. This letter constitutes authority to operate the changes identified in the FOP revision application.

Consistent with Title 30 Texas Administrative Code Chapter 122, Subchapter C, the permit holder shall submit an application to the Air Permits Division (APD) for a revision to an FOP for those activities at a site which change, add, or remove one or more FOP terms or conditions. The permit holder shall also submit an application to the APD for a revision to a permit to address the following: the adoption of an applicable requirement previously designated as federally enforceable only; the promulgation of a new applicable requirement; the adoption of a new state-only requirement; or a change in a state-only designation.

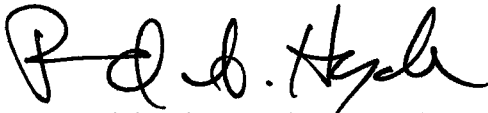
Thank you again for your cooperation in this matter. If you have questions concerning the review or this notice, please contact Ms. Kimberli Evans at (512) 239-1100.

RECEIVED  
JUL 20 2009  
TCEQ  
CENTRAL FILE ROOM

Mr. James Harton  
Page 2  
December 1, 2008

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,



Richard A. Hyde, P.E., Director  
Air Permits Division  
Office of Permitting and Registration  
Texas Commission on Environmental Quality

RAH/KE/pg

cc: Mr. William F. Dickerson, Environmental Manager, Rhodia Inc., Houston  
Mr. Al Semaan, Plant Manager, Rhodia Inc., Houston  
Director, Environmental Public Health Division, Harris County Public Health and  
Environmental Services, Pasadena  
Air Section Manager, Region 12 - Houston

Enclosure: Revised Effective Permit

cc: Air Permit Section Chief, U.S. Environmental Protection Agency, Region 6, Dallas

Project Number: 11642



**FEDERAL OPERATING PERMIT - TECHNICAL REVIEW SUMMARY  
SITE OPERATING PERMIT (SOP) MINOR REVISION**

Permit #:	<b>O1610</b>	Company:	<b>Rhodia Inc</b>
Project #:	<b>11642</b>	Site:	<b>Rhodia-baytown Plant</b>
Account #:	<b>HG-0696-Q</b>	Application Area:	<b>Baytown Plant</b>
Regulated Entity #:	<b>RN100211317</b>	Customer #:	<b>CN600125330</b>
Region:	<b>12</b>	County:	<b>Harris</b>
SIC Code:	<b>2819</b>	SIC Name:	<b>Industrial Inorganic Chemicals</b>
Permit Reviewer:	<b>Kimberli Evans</b>		

---

**SITE INFORMATION**

Physical Location: Last Industrial Facility on Park Street; Surrounded By Exxonmobil  
Nearest City: Baytown  
Major Pollutants: SO<sub>2</sub>, NO<sub>X</sub>, CO  
Additional FOPs: None

---

**PROJECT SUMMARY**

This project is a minor revision of permit 01610 issued to Rhodia Inc by renewal in January 2008. The application contains a Consent Decree whose requirements need to be added to the permit via special term and condition.

---

**PROCESS DESCRIPTION**

This site is a sulfuric acid manufacturing plant. The PRO-REGEN unit is the heart of the plant which is designed to produce fresh sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) from reacted sulfuric acids or "sludges" produced by refineries and/or chemical plants. Hydrogen sulfide gas (H<sub>2</sub>S) and natural gases are burned to maintain proper operating parameters and sulfur dioxide (SO<sub>2</sub>) strengths.

The sludge and sulfur gas are sprayed into a combustion furnace (2000F) where the hydrocarbons and sulfur are burned and the spent sulfuric acid is decomposed. The combustion gases pass through a boiler for heat recovery and then through a scrubbing tower, a direct contact gas cooler (660F), two electrostatic precipitators, and a drying tower.

The SO<sub>2</sub> gas is combined with oxygen in a vanadium substrate catalytic converter to convert the SO<sub>2</sub> into sulfur trioxide (SO<sub>3</sub>). From the converter the gas is finally sent to an absorbing tower where SO<sub>3</sub> reacts with water to form sulfuric acid. The gas that exits from the tower is passed through a mist removal element where any entrained acid is removed. The final gas stream enters an ammonia scrubber that reduces the concentration of un-reacted SO<sub>2</sub> gas. The tail gas is exhausted to the atmosphere.

---

**TECHNICAL REVIEW**

**Summary of Revision**

**Working Draft Permit (WDP) Preparation**

1. Was Periodic Monitoring (PM) required and added during this revision?.....No

- 2. Was Compliance Assurance Monitoring (CAM) required and added during this revision? ..... Yes
- 3. Was PM or CAM included in the permit customized for site operations? .....No
- 4. Were Special Terms and Conditions pertaining to the mass emissions cap and trade Program (for Houston/Galveston area only) included in the WDP? ..... Yes
- 5. Identify if the following are applicable for this project:
  - (a) Manually-built applicable requirements .....No
  - (b) Customized Special Terms and Conditions ..... Yes
  - (c) Manual changes to the IMS-generated applicable requirements.....No

Permit reviewer notes:

The application contained a consent decree that was not previously submitted with the renewal of this permit. Within the decree there are compliance dates that need to be followed for NSPS H for SO2. A special term and condition was added to add the date of compliance for NSPS H for Jan 1, 2009. CAM was also added for unit 1 furnace for control of SO2 emission through a caustic scrubber.

**Working Draft Permit Review**

- 1. Did the applicant's review/comments on the working draft permit result in changes to the permit content?..... Yes
- 2. Will the draft permit be sent to public announcement with unresolved issues (i.e., disagreements with applicant)?..... No

Permit reviewer notes:

The applicant requested that PM be added to the permit for GRPACIDTNKS as well as unit BARGEDOCK. Unit DOCKCV was added to the permit. Compliance schedules for several units subject to chapter 117 under the newly revised requirements were submitted. These units were out of compliance because a performance test had no been performed within the time frame stated in the rule. The test is scheduled for Aug 2008. The PM was not added for the tanks or the unit DOCK CV because they were not subject to addition monitoring under the citation stated on the OP-MON form.

**Statement of Basis**

A Statement of Basis sets forth the legal and factual basis for the applicable requirements that are included in the FOP.

The Statement of Basis was prepared on July 15, 2008.

The Statement of Basis GroupWise Document # (OPDP Database) is 50796.

**Public Announcement Information**

- 1. Were comments received during the Public Announcement period? ..... No

Permit reviewer notes:

**EPA Review**


- 1. Did the EPA comment on the draft permit?..... No


Permit reviewer notes:

Milestone (Standard)	Start Date	End Date
Date Application Received by TCEQ	02/19/2008	
Date Project Received by Engineer	02/25/2008	
Technical Review Period	03/26/2008	08/15/2008
Working Draft Permit Reviewed by Applicant	06/13/2008	06/30/2008
Date Rvn-5/Draft Permit Mailed	09/05/2008	
Public Announcement Period	09/16/2008	10/16/2008
EPA Review Period	09/16/2008	10/31/2008

Milestone (Optional)	Start Date	End Date
Deficiency Cycle 1		
Deficiency Cycle 2		
Date Comment on Draft Permit Received from Public		
Date comment on Draft Permit Received from EPA		
Date Public Hearing Requested		
Date Public Hearing Held		

**REVISED PERMIT APPROVAL DATE:**

  
 Kimberli Evans      11/25/08  
 Permit Reviewer      Date  
 Operating Permits Section  
 Air Permits Division

  
 Javier Maldonado, P.E.      11/25/08  
 Team Leader      Date  
 Operating Permits Section  
 Air Permit Division

**ATTACHMENTS**

Administrative Data

**ADMINISTRATIVE DATA**

**Responsible Official:**

James Harton  
President Eco Services  
Rhodia Inc  
8 Cedar Brook Dr  
Cranbury, NJ 08512-7500

**Duly Authorized Representative:**

Al Semaan  
Plant Manager  
Rhodia Inc  
8615 Manchester St  
Houston, TX 77012

**Technical Contact:**

William F. Dickerson  
Environmental Manager  
Rhodia Inc  
Po Box 5275  
Houston, TX 77262  
Phone: (713) 928-3411  
Email:

# Statement of Basis of the Federal Operating Permit

Rhodia Inc

Site/Area Name: Baytown Plant

Physical location: Last Industrial Facility on Park Street; Surrounded By Exxonmobil Baytown Operations.

3439 PARK STREET

Nearest City: Baytown

County: Harris

Permit Number: O1610

Project Type: Minor Revision

Standard Industrial Classification (SIC) Code: 2819

SIC Name: Industrial Inorganic Chemicals

This Statement of Basis sets forth the legal and factual basis for the draft changes to the permit conditions resulting from the minor revision project in accordance with 30 TAC §122.201(a)(4). The applicant has submitted an application for a minor permit revision per §§ 122.215-217. This document may include the following information:

- A description of the facility/area process description;
- A description of the revision project;
- A basis for applying permit shields;
- A list of the federal regulatory applicability determinations;
- A table listing the determination of applicable requirements;
- A list of the New Source Review Requirements;
- The rationale for periodic monitoring methods selected;
- The rationale for compliance assurance methods selected;
- A compliance status; and
- A list of available unit attribute forms.

Prepared on: July 15, 2008

## OPERATING PERMIT BASIS OF DETERMINATION

### DESCRIPTION OF REVISION PROJECT

#### PERMIT AREA PROCESS DESCRIPTION

This site is a sulfuric acid manufacturing plant. The PRO-REGEN unit is the heart of the plant which is designed to produce fresh sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) from reacted sulfuric acids or "sludges" produced by refineries and/or chemical plants. Hydrogen sulfide gas (H<sub>2</sub>S) and natural gases are burned to maintain proper operating parameters and sulfur dioxide (SO<sub>2</sub>) strengths.

The sludge and sulfur gas are sprayed into a combustion furnace (2000oF) where the hydrocarbons and sulfur are burned and the spent sulfuric acid is decomposed. The combustion gases pass through a boiler for heat recovery and then through a scrubbing tower, a direct contact gas cooler (660oF), two electrostatic precipitators, and a drying tower.

The SO<sub>2</sub> gas is combined with oxygen in a vanadium substrate catalytic converter to convert the SO<sub>2</sub> into sulfur trioxide (SO<sub>3</sub>). From the converter the gas is finally sent to an absorbing tower where SO<sub>3</sub> reacts with water to form sulfuric acid. The gas that exits from the tower is passed through a mist removal element where any entrained acid is removed. The final gas stream enters an ammonia scrubber that reduces the concentration of un-reacted SO<sub>2</sub> gas. The tail gas is exhausted to the atmosphere.

#### MAJOR SOURCE POLLUTANTS

The table below specifies the pollutants for which the site is a major source:

Major Pollutants	SO <sub>2</sub> , NOX, CO
------------------	---------------------------

The permit contains terms and conditions that specify the area-wide applicable requirements and a table of applicable requirements for specific emission units in the application area. The Special Terms and Conditions contain both generic and site-wide requirements. The generic requirements are general monitoring, recordkeeping, reporting requirements that do not apply to specific sources. Site-wide requirements apply uniformly to a group of emission sources such as source-wide opacity limits. These requirements are streamlined into the Special Terms and Condition for brevity. The streamlining of broadly applicable requirements was developed in accordance with EPA's White Paper for Streamlined Development of Part 70 Permit Applications, July 10, 1995. Applicable requirements that do not apply uniformly (i.e. are specific to each emission source) appear in the FOP's Applicable Requirement Summary table.

The "application area" consists of the emission units and that portion of the site included in the application and this permit. When there is only one area for the site, then the application information and permit will include the site.

## FEDERAL REGULATORY APPLICABILITY DETERMINATIONS

The following chart summarizes the applicability of the principal air pollution regulatory programs to the permit area:

Regulatory Program	Applicability (Yes/No)
Prevention of Significant Deterioration (PSD)	Yes
Nonattainment New Source Review (NNSR)	No
State NSR	Yes
40 CFR Part 60 - New Source Performance Standards	Yes
40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants (NESHAPs)	Yes
40 CFR Part 63 - NESHAPs for Source Categories	Yes
Title IV (Acid Rain) of the Clean Air Act (CAA)	No
Title V (Federal Operating Permits) of the CAA	Yes
Title VI (Stratospheric Ozone Protection) of the CAA	No
CAIR (Clean Air Interstate Rule)	No

## INSIGNIFICANT ACTIVITIES

In general, units not meeting the criteria for inclusion on either Form OP-SUM or Form OPREQ1 are not required to be addressed in the operating permit application. Examples of these types of units include, but are not limited to, the following:

1. Office activities such as photocopying, blueprint copying, and photographic processes.
2. Sanitary sewage collection and treatment facilities other than those used to incinerate wastewater treatment plant sludge. Stacks or vents for sanitary sewer plumbing traps are also included.
3. Food preparation facilities including, but not limited to, restaurants and cafeterias used for preparing food or beverages primarily for consumption on the premises.
4. Outdoor barbecue pits, campfires, and fireplaces.
5. Laundry dryers, extractors, and tumblers processing bedding, clothing, or other fabric items generated primarily at the premises. This does not include emissions from drycleaning systems using perchloroethylene or petroleum solvents.
6. Facilities storing only dry, sweet natural gas, including natural gas pressure regulator vents.

7. Any air separation or other industrial gas production, storage, or packaging facility. Industrial gases, for purposes of this list, include only oxygen, nitrogen, helium, neon, argon, krypton, and xenon.
8. Storage and handling of sealed portable containers, cylinders, or sealed drums.
9. Vehicle exhaust from maintenance or repair shops.
10. Storage and use of non-VOC products or equipment for maintaining motor vehicles operated at the site (including but not limited to, antifreeze and fuel additives).
11. Air contaminant detectors and recorders, combustion controllers and shut-off devices, product analyzers, laboratory analyzers, continuous emissions monitors, other analyzers and monitors, and emissions associated with sampling activities. Exception to this category includes sampling activities that are deemed fugitive emissions and under a regulatory leak detection and repair program.
12. Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including but not limited to, assorted vacuum producing devices and laboratory fume hoods.
13. Steam vents, steam leaks, and steam safety relief valves, provided the steam (or boiler feedwater) has not contacted other materials or fluids containing regulated air pollutants other than boiler water treatment chemicals.
14. Storage of water that has not contacted other materials or fluids containing regulated air pollutants other than boiler water treatment chemicals.
15. Well cellars.
16. Fire or emergency response equipment and training, including but not limited to, use of fire control equipment including equipment testing and training, and open burning of materials or fuels associated with firefighting training.
17. Crucible or pot furnaces with a brim full capacity of less than 450 cubic inches of any molten metal.
18. Equipment used exclusively for the melting or application of wax.
19. All closed tumblers used for the cleaning or deburring of metal products without abrasive blasting, and all open tumblers with a batch capacity of 1,000 lbs. or less.
20. Shell core and shell mold manufacturing machines.
21. Sand or investment molds with a capacity of 100 lbs. or less used for the casting of metals;
22. Equipment used for inspection of metal products.
23. Equipment used exclusively for rolling, forging, pressing, drawing, spinning, or extruding either hot or cold metals by some mechanical means.
24. Instrument systems utilizing air, natural gas, nitrogen, oxygen, carbon dioxide, helium, neon, argon, krypton, and xenon.
25. Battery recharging areas.
26. Brazing, soldering, or welding equipment.

## **DETERMINATION OF REVISED APPLICABLE REQUIREMENTS**

The tables below include the applicability determinations for the emission units, the index number(s) where applicable, and all relevant unit attribute information used to form the basis of the applicability determination. The unit attribute information is a description of the physical properties of an emission unit which is used to determine the requirements to which the permit holder must comply. For more information about the descriptions of the unit attributes specific Unit Attribute Forms may be viewed at [http://www.tceq.state.tx.us/permitting/air/nav/air\\_all\\_ua\\_forms.html](http://www.tceq.state.tx.us/permitting/air/nav/air_all_ua_forms.html).



A list of unit attribute forms is included at the end of this document. Some examples of unit attributes include construction date; product stored in a tank; boiler fuel type; etc.. Generally, multiple attributes are needed to determine the requirements for a given emission unit and index number. The table below lists these attributes in the column entitled "Basis of Determination." Attributes that demonstrate that an applicable requirement applies will be the factual basis for the specific citations in an applicable requirement that apply to a unit for that index number. The TCEQ Air Permits Division has developed flowcharts for determining applicability of state and federal regulations based on the unit attribute information in a Decision Support System (DSS). These flowcharts can be accessed via the internet at [http://www.tceq.state.tx.us/permitting/air/nav/air\\_supportsys.html](http://www.tceq.state.tx.us/permitting/air/nav/air_supportsys.html). The Air Permits Division staff may also be contacted for assistance at (512) 239-1250.

The attributes for each unit and corresponding index number provide the basis for determining the specific legal citations in an applicable requirement that apply, including emission limitations or standards, monitoring, recordkeeping, and reporting. The rules were found to apply or not apply by using the unit attributes as answers to decision questions found in the flowcharts of the DSS. Some additional attributes indicate which legal citations of a rule apply. The legal citations that apply to each emission unit may be found in the Applicable Requirements Summary table of the draft permit. There may be some entries or rows of units and rules not found in the permit, or if the permit contains a permit shield, repeated in the permit shield area. These are sets of attributes that describe negative applicability, or; in other words, the reason why a potentially applicable requirement does not apply.

If applicability determinations have been made which differ from the available flowcharts, an explanation of the decisions involved in the applicability determination is specified in the column "Changes and Exceptions to RRT." If there were no exceptions to the DSS, then this column has been removed.

The draft permit includes all emission limitations or standards, monitoring, recordkeeping and reporting required by each applicable requirement. If an applicable requirement does not require monitoring, recordkeeping, or reporting, the word "None" will appear in the Applicable Requirements Summary table. If additional periodic monitoring is required for an applicable requirement, it will be explained in detail in the portion of this document entitled "Rationale for Compliance Assurance Monitoring (CAM)/ Periodic Monitoring Methods Selected."

When attributes demonstrate that a unit is not subject to an applicable requirement, the applicant may request a permit shield for those items. The portion of this document entitled "Basis for Applying Permit Shields" specifies which units, if any, have a permit shield.

#### Operational Flexibility

When an emission unit has multiple operating scenarios, it will have a different index number associated with each operating condition. This means that units are permitted to operate under multiple operating conditions. The applicable requirements for each operating condition are determined by a unique set of unit attributes. For example, a tank may store two different products at different points in time. The tank may, therefore, need to comply with two distinct sets of requirements, depending on the product that is stored. Both sets of requirements are included in the permit, so that the permit holder may store either product in the tank.

## DETERMINATION OF REVISED APPLICABLE REQUIREMENTS

Unit ID	Regulation	Index Number	Basis of Determination*	Changes and Exceptions to DSS**
1	30 TAC Chapter 117, Subchapter B	R7ICI-0002	UNIT TYPE [REG VII] = PROCESS HEATER MAXIMUM RATED CAPACITY [REG VII] = MAXIMUM RATED CAPACITY GREATER THAN 100 MMBTU/HOUR AND LESS THAN OR EQUAL TO 200 MMBTU/HOUR RACT DATE PLACED IN SERVICE = ON/BEFORE NOVEMBER 15 1992 FUEL TYPE #1 [REG VII] = GASEOUS ANNUAL HEAT INPUT [REG VII] = ANNUAL HEAT INPUT GREATER THAN TO 2.2(10**11) BTU/YEAR BASED ON A 12-MONTH ROLLING AVERAGE [MAXIMUM RATED CAPACITY = '100-200' OR '200+'] NOX EMISSION LIMITATION = TITLE 30 TAC § 117.310(A)(8)	
PREHTRSTK	30 TAC Chapter 117, Subchapter B	R7ICI-0001	CO EMISSION LIMITATION = TITLE 30 TAC § 117.310(C)(1) MONITORING SYSTEM = "MAXIMUM EMISSION RATE RATE TESTING (IN ACCORDANCE WITH 30 TAC § 117.8000) TESTING OPTIONS [REG VII] = TESTING NOT CONDUCTED PRIOR TO MARCH 19, 1999 TO DEMONSTRATE COMPLIANCE OR SUCH TESTING IS NOT USED UNIT TYPE [REG VII] = PROCESS HEATER MAXIMUM RATED CAPACITY [REG VII] = MAXIMUM RATED CAPACITY IS AT LEAST 5 MMBUTHR BUT LESS THAN 40 MMBTU/HR OPT-IN UNIT = THE UNIT IS EITHER NOT AN EXEMPT UNIT LISTED IN 30 TAC §§ 117.115(F), 117.215(F) OR 117.315(F) OR HAS NOT BEEN INCLUDED IN THE SOURCE CAP. RACT DATE PLACED IN SERVICE = ON/BEFORE NOVEMBER 15 1992 FUEL TYPE #1 [REG VII] = NATURAL GAS NOX EMISSION LIMIT BASIS [REG VII] = EMISSION LIMIT IN POUNDS/HOUR (OR PARTS PER MILLION BY VOLUME AT 15% OXYGEN DRY BASIS) ON A BLOCK 1-HOUR AVERAGE NOX REDUCTION [REG VII] = NO NOX REDUCTION METHOD NOX EMISSION LIMITATION = TITLE 30 TAC § 117.310(A)(8)	
PKGBOILSTK	40 CFR Part 60, Subpart Db	60DB-0001	CONSTRUCTION/MODIFICATION DATE = ON/BEFORE JUNE 19, 1984  (SOP/TOP APPLICATIONS)	
1	30 TAC Chapter 112, Sulfur Compounds	REG2-002	30 TAC (NSPS) SUBPART V FACILITY TYPE = SULFURIC ACID PLANT BURNING ONE OF THE MATERIALS SPECIFIED IN 112.41 EXCEPT ELEMENTAL SULFUR BY CONTACT PROCESS EFFECTIVE STACK HEIGHT [REG II] = EFFECTIVE STACK HEIGHT IS NOT LESS THAN STANDARD EFFECTIVE STACK HEIGHT PRODUCTION CAPACITY [REG II] = PRODUCTION CAPACITY GREATER THAN 300 TONS PER DAY (EXPRESSED AS 100% ACID) FACILITY USE [REG II] = PLANT USED EXCLUSIVELY AS A SULFUR DIOXIDE CONTROL SYSTEM CHAMBER PROCESS PLANT OR OLEUM TRANSFER AND STORAGE FACILITY	
1	40 CFR Part 60, Subpart H	60H-001	40 CFR 60 (NSPS) SUBPART H CONSTRUCTION/MODIFICATION (RECONSTRUCTION) DATE = AFTER AUGUST 17 1971	

Unit ID	Regulation	Index Number	Basis of Determination*	Changes and Exceptions to DSS**
			PROCESS DESIGN [NSPS H] = SOURCE DOES NOT PROCESS ELEMENTAL SULFUR OR AN ORE THAT CONTAINS ELEMENTAL SULFUR AND USE AIR TO SUPPLY OXYGE	

\* - The "unit attributes" or operating conditions that determine what requirements apply

\*\* - Notes changes made to the automated results from the DSS, and a brief explanation why

## NEW SOURCE REVIEW REQUIREMENTS

Below is a list of the New Source Review (NSR) permits for the permitted area. These NSR permits are incorporated by reference into the operating permit and are enforceable under it. These permits can be found in the main TCEQ file room, located on the first floor of Building E, 12100 Park 35 Circle, Austin, Texas. The Office of Public Assistance (OPA) may be contacted at 1-800-687-4040 for help with any question.

Additionally, the site contains emission units that are permitted by rule under the requirements of 30 TAC Chapter 106, Permits by Rule. The following table specifies the permits by rule that apply to the site. All current permits by rule are contained in Chapter 106. Outdated 30 TAC Chapter 106 permits by rule may be viewed at the following website:

[www.tceq.state.tx.us/permitting/air/permitbyrule/historical\\_rules/old106list/index106.html](http://www.tceq.state.tx.us/permitting/air/permitbyrule/historical_rules/old106list/index106.html). Outdated Standard Exemption lists may be viewed at the following website:

[www.tceq.state.tx.us/permitting/air/permitbyrule/historical\\_rules/oldselist/se\\_index.html](http://www.tceq.state.tx.us/permitting/air/permitbyrule/historical_rules/oldselist/se_index.html)

<b>PSD Permits</b>		<b>NA Permits</b>	
PSD Permit No.:		NA Permit No.:	
PSD Permit No.: PSD-TX-695M2		NA Permit No.:	
<b>Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.</b>			
Authorization No.: 56534		Authorization No.: 9565	
<b>Permits By Rule (30 TAC Chapter 106) for the Application Area</b>			
Number: 007		Version No./Date: 08/11/1989	
Number: 106.261		Version No./Date: 11/01/2003	
Number: 106.262		Version No./Date: 09/04/2000	
Number: 106.371		Version No./Date: 03/14/1997	
Number: 106.472		Version No./Date: 03/14/1997	
Number: 106.478		Version No./Date: 03/14/1997	
<b>Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum</b>			
Permit No.:		Permit No.:	

## EMISSION UNITS AND EMISSION POINTS

In air permitting terminology, any source capable of generating emissions (for example, an engine or a sandblasting area) is called an Emission Unit. For purposes of Title V, emission units are specifically listed in the operating permit when they have applicable requirements other than New Source Review (NSR), or when they are listed in the permit shield table.

The actual physical location where the emissions enter the atmosphere (for example, an engine stack or a sand-blasting yard) is called an emission point. For New Source Review preconstruction permitting purposes, every emission unit has an associated emission point. Emission limits are listed in an NSR permit, associated with an emission point. This list of emission points and emission limits per pollutant is commonly referred to as the "Maximum Allowable Emission Rate Table", or "MAERT" for short. Specifically, the MAERT lists the Emission Point Number (EPN) that identifies the emission point, followed immediately by the Source Name, identifying the emission unit that is the source of those emissions on this table.

Thus, by reference, an emission unit in a Title V operating permit is linked by reference number to an NSR authorization, and its related emission point.

### **RATIONALE FOR COMPLIANCE ASSURANCE MONITORING (CAM)/ PERIODIC MONITORING METHODS SELECTED**

#### **Periodic Monitoring:**

The Federal Clean Air Act requires that each federal operating permit include monitoring sufficient to assure compliance with the terms and conditions of the permit. Most of the emission limits and standards applicable to emission units at Title V sources include adequate monitoring to show that the units meet the limits and standards. For those requirements that do not include monitoring, or where the monitoring is not sufficient to assure compliance, the federal operating permit must include such monitoring for the emission units affected. The following emission units are subject to periodic monitoring requirements because the emission units are subject to an emission limitation or standard for an air pollutant (or surrogate thereof) in an applicable requirement that does not already require monitoring, or the monitoring for the applicable requirement is not sufficient to assure compliance:

<b>UNIT/GROUP/PROCESS INFORMATION</b>	
ID No.: T-16	Applicable Form: OP-UA03
Control Device ID No.: DOCKVC	Control Device Type: Vapor Combustor
<b>APPLICABLE REGULATORY REQUIREMENT</b>	
Name: 30 TAC Chapter 115, Storage of VOCs	SOP Index No.: R5112-0004
Pollutant: VOC	Main Standard: § 115.112(a)(1)
<b>MONITORING INFORMATION</b>	
Indicator: Combustion Temperature / Exhaust Gas Temperature	
Minimum Frequency: Once per week	
Averaging Period: n/a*	
Deviation Limit: Minimum temperature = 1400 degrees F	

**Basis of monitoring:**

It is widely practiced and accepted to use performance tests, manufacturer's recommendations, engineering calculations and/or historical data to establish a minimum temperature for vapor combustors. This minimum temperature must be maintained in order for the proper destruction efficiency. Operation below the minimum combustion temperature will result in incomplete combustion and potential noncompliance with emission limitations and/or standards. The monitoring of the combustion temperature of a thermal incinerator is commonly required in federal and state rules, including: 40 CFR Part 60, Subparts III, NNN, QQQ, and RRR; 40 CFR Part 61, Subparts BB and FF; 40 CFR Part 63, Subparts G, R, DD, EE, and HH; and 30 TAC Chapter 115.

\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.

**Compliance Assurance Monitoring (CAM):**

Compliance Assurance Monitoring (CAM) is a federal monitoring program established under Title 40 Code of Federal Regulations Part 64 (40 CFR Part 64).

Emission units are subject to CAM requirements if they meet the following criteria:

1. the emission unit is subject to an emission limitation or standard for an air pollutant (or surrogate thereof) in an applicable requirement;
2. the emission unit uses a control device to achieve compliance with the emission limitation or standard specified in the applicable requirement; and
3. the emission unit has the pre-control device potential to emit greater than or equal to the amount in tons per year for a site to be classified as a major source.

The following table(s) identify the emission unit(s) that are subject to CAM:

UNIT/GROUP/PROCESS INFORMATION	
ID No.: 1	Applicable Form: OP-UA43
Control Device ID No.:	Control Device Type:
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 112, Sulfur Compounds	SOP Index No.: REG2-002
Pollutant: SO2	Main Standard: 112.6
MONITORING INFORMATION	
Indicator: Liquid Flow Rate	
Minimum Frequency: once per day	
Averaging Period: n/a*	
Deviation Limit:	
Basis of CAM:	

\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.

<b>UNIT/GROUP/PROCESS INFORMATION</b>	
ID No.: 1	Applicable Form: OP-UA43
Control Device ID No.:	Control Device Type:
<b>APPLICABLE REGULATORY REQUIREMENT</b>	
Name: 30 TAC Chapter 112, Sulfur Compounds	SOP Index No.: REG2-002
Pollutant: SO2	Main Standard: 112.6
<b>MONITORING INFORMATION</b>	
Indicator: pH	
Minimum Frequency: once per day	
Averaging Period: n/a*	
Deviation Limit:	
Basis of CAM:	

\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.



## AVAILABLE UNIT ATTRIBUTE FORMS

OP-UA1 - Miscellaneous and Generic Unit Attributes  
OP-UA2 - Stationary Reciprocating Internal Combustion Engine Attributes  
OP-UA3 - Storage Tank/Vessel Attributes  
OP-UA4 - Loading/Unloading Operations Attributes  
OP-UA5 - Process Heater/Furnace Attributes  
OP-UA6 - Boiler/Steam Generator/Steam Generating Unit Attributes  
OP-UA7 - Flare Attributes  
OP-UA8 - Coal Preparation Plant Attributes  
OP-UA9 - Nonmetallic Mineral Process Plant Attributes  
OP-UA10 - Gas Sweetening/Sulfur Recovery Unit Attributes  
OP-UA11 - Stationary Turbine Attributes  
OP-UA12 - Fugitive Emission Unit Attributes  
OP-UA13 - Industrial Process Cooling Tower Attributes  
OP-UA14 - Water Separator Attributes  
OP-UA15 - Emission Point/Stationary Vent/Distillation Operation/Process Vent Attributes  
OP-UA16 - Solvent Degreasing Machine Attributes  
OP-UA17 - Distillation Unit Attributes  
OP-UA18 - Surface Coating Operations attributes  
OP-UA19 - Wastewater Unit Attributes  
OP-UA20 - Asphalt Operations Attributes  
OP-UA21 - Grain Elevator Attributes  
OP-UA22 - Printing Attributes  
OP-UA24 - Wool Fiberglass Insulation Manufacturing Plant Attributes  
OP-UA25 - Synthetic Fiber Production Attributes  
OP-UA26 - Electroplating and Anodizing Unit Attributes  
OP-UA27 - Nitric Acid Manufacturing Attributes  
OP-UA28 - Polymer Manufacturing Attributes  
OP-UA29 - Glass Manufacturing Unit Attributes  
OP-UA30 - Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mill Attributes  
OP-UA31 - Lead Smelting Attributes  
OP-UA32 - Copper and Zinc Smelting/Brass and Bronze Production Attributes  
OP-UA33 - Metallic Mineral Processing Plant Attributes  
OP-UA34 - Pharmaceutical Manufacturing  
OP-UA35 - Incinerator Attributes  
OP-UA36 - Steel Plant Unit Attributes  
OP-UA37 - Basic Oxygen Process Furnace Unit Attributes  
OP-UA38 - Lead-Acid Battery Manufacturing Plant Attributes  
OP-UA39 - Sterilization Source Attributes  
OP-UA40 - Ferroalloy Production Facility Attributes  
OP-UA41 - Dry Cleaning Facility Attributes  
OP-UA42 - Phosphate Fertilizer Manufacturing Attributes  
OP-UA43 - Sulfuric Acid Production Attributes  
OP-UA44 - Municipal Solid Waste Landfill/Waste Disposal Site Attributes  
OP-UA45 - Surface Impoundment Attributes  
OP-UA46 - Epoxy Resins and Non-Nylon Polyamides Production Attributes  
OP-UA47 - Ship Building and Ship Repair Unit Attributes

OP-UA48 - Air Oxidation Unit Process Attributes  
OP-UA49 - Vacuum-Producing System Attributes  
OP-UA50 - Fluid Catalytic Cracking Unit Catalyst Regenerator/Fuel Gas Combustion Device/Claus Sulfur Recovery Plant Attributes  
OP-UA51 - Dryer/Kiln/Oven Attributes  
OP-UA52 - Closed Vent Systems and Control Devices  
OP-UA53 - Beryllium Processing Attributes  
OP-UA54 - Mercury Chlor-Alkali Cell Attributes  
OP-UA55 - Transfer System Attributes  
OP-UA56 - Vinyl Chloride Process Attributes  
OP-UA57 - Cleaning/Depainting Operation Attributes  
OP-UA58 - Treatment Process Attributes  
OP-UA59 - Coke By-Product Recovery Plant Attributes  
OP-UA60 - Chemical Manufacturing Process Unit Attributes  
OP-UA61 - Pulp, Paper, or Paperboard Producing Process Attributes  
OP-UA62 - Glycol Dehydration Unit Attributes  
OP-UA63 - Vegetable Oil Production Attributes

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

September 5, 2008

MR JAMES HARTON  
PRESIDENT ECO SERVICES  
RHODIA INC  
8 CEDAR BROOK DR  
CRANBURY NJ 08512-7500

Re: Draft Federal Operating Permit Minor Revision Approval  
and Notification of Public Announcement  
Minor Revision  
Permit Number: O1610  
Rhodia Inc.  
Baytown Plant  
Baytown, Harris County  
Regulated Entity Number: RN100211317  
Customer Reference Number: CN600125330  
Account Number: HG-0696-Q

Dear Mr. Harton:

The Texas Commission on Environmental Quality (TCEQ) has completed the technical review of your minor permit revision application and has prepared the enclosed draft federal operating permit (FOP) for your final review and approval.

In accordance with Title 30 Texas Administrative Code § 122.312, minor permit revision applications are required to undergo a public announcement. A list of draft FOPs currently in public announcement is available at the TCEQ web site:

[www.tceq.state.tx.us/assets/public/permitting/air/Title\\_V/announcements/table.htm](http://www.tceq.state.tx.us/assets/public/permitting/air/Title_V/announcements/table.htm)

The public announcement period will begin September 16, 2008, and end October 16, 2008. In addition, if no comments are received, the U.S. Environmental Protection Agency (EPA) review period will run concurrent with the announcement and will end on October 31, 2008. If comments are received, you will be notified.

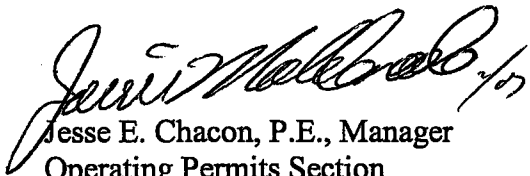
Mr. James Harton  
Page 2  
September 5, 2008

The TCEQ will make the permit application and the draft permit available to the public, local programs, affected states, and the EPA.

Thank you for your cooperation in this matter. If you have any questions, please contact Ms. Kimberli Evans at (512) 239-1100.

This action is taken under the authority delegated by the Executive Director of the TCEQ.

Sincerely,



Jesse E. Chacon, P.E., Manager  
Operating Permits Section  
Air Permits Division  
Texas Commission on Environmental Quality

JEC/KE/pll

cc: Mr. William F. Dickerson, Environmental Manager, Rhodia Inc, Houston  
Director, Environmental Public Health Division, Harris County Public Health and  
Environmental Services, Pasadena  
Air Section Manager, Region 12 - Houston

Enclosures: 1. Notice of Public Announcement  
2. Draft Permit

cc: Air Permit Section Chief, U.S. Environmental Protection Agency, Region 6 - Dallas

Project Number: 11642

**ANNOUNCEMENT OF DRAFT FEDERAL OPERATING PERMIT  
FOR MINOR PERMIT REVISION**

DRAFT PERMIT NO.: O1610

**APPLICATION AND DRAFT PERMIT.** Rhodia Inc., 8 Cedar Brook Drive, Cranbury, New Jersey 08512-7500, an Industrial Inorganic Chemicals facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a minor revision of its existing Federal Operating Permit (herein referred to as Permit) No. O1610, Application No. 11642, to authorize operation of the Baytown Plant. The area addressed by this application is located on Park Street; last industrial facility surrounded by Exxonmobil in Baytown, Harris County, Texas. This application was submitted to the TCEQ on February 19, 2008.

The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code § 122.10. The draft permit, if approved, will codify the revised conditions under which the area must operate. The permit will not authorize new construction. The TCEQ Executive Director has completed the technical review of this application and prepared a draft permit. The TCEQ Executive Director recommends issuance of this permit. The permit application, draft permit, statement of basis, and all other relevant supporting materials, are available for viewing and copying at the Texas Commission on Environmental Quality Central Office, 12100 Park 35 Circle, Building E, First Floor, Austin, Texas and at the Texas Commission on Environmental Quality Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452. Any person with difficulties obtaining these materials due to travel constraints may contact the TCEQ Central Office file room at (512) 239-1540.

**PUBLIC COMMENT.** Any person may submit written comments on the draft permit. Comments relating the accuracy, completeness, and appropriateness of the revised permit conditions may result in changes to the draft permit.

**Written comments should be submitted to the Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087 and received within 30 days after the publication of this announcement.**

**A notice of proposed final action that includes a response to comments and identification of any changes to the draft permit will be mailed to everyone who submitted public comments for this application.**

**INFORMATION.** For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality Office of Public Assistance at MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or Toll Free, at 1-800-687-4040. General information regarding the TCEQ can be found at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Rhodia Inc, at the address in the first paragraph.

# FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO

Rhodia, Inc.

AUTHORIZING THE OPERATION OF

Baytown Plant  
Industrial Inorganic Chemicals

LOCATED AT

Harris County, Texas

LATITUDE 29° 44' 51" LONGITUDE 095° 00' 07"

Regulated Entity Number: RN100211317

This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site and emission units listed in this permit. Operation of the site and emission units listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.

This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site and emission units authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site and emission units.

Permit No: O1610 Issuance Date: January 25, 2008



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For the Commission

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## **GENERAL TERMS AND CONDITIONS**

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit shall be forwarded to the TCEQ Central Office and to the TCEQ Regional Office for your site. Reports submitted must include a cover letter which identifies the following information: company name, TCEQ regulated entity number, site name, area name (if applicable), and Air Permits Division permit number.

## **SPECIAL TERMS AND CONDITIONS:**

### **Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting:**

1. Permit holder shall comply with the following requirements:
  - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
  - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
  - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.



- D. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC § 117.303 applies to the following units: 1, DOCKVC.
- E. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC §§ 117.300, 117.310, 117.335, 117.340, 117.345, 117.350, and 117.354 apply to the following unit: PKGBOILSTK, PREHTRSTK
- F. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emission Cap and Trade Program) Requirements:
- (i) Title 30 TAC § 101.352 (relating to General Provisions)
  - (ii) Title 30 TAC § 101.353 (relating to Allocation of Allowances)
  - (iii) Title 30 TAC § 101.354 (relating to Allowance Deductions)
  - (iv) Title 30 TAC § 101.356 (relating to Allowance Banking and Trading)
  - (v) Title 30 TAC § 101.358 (relating to Emission Monitoring and Compliance Demonstration)
  - (vi) Title 30 TAC § 101.359 (relating to Reporting)
  - (vii) Title 30 TAC § 101.360 (relating to Level of Activity Certification)
  - (viii) The terms and conditions by which the emission limits are established to meet or exceed the cap are applicable requirements of this permit
- G. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 6 (Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program) requirements:
- (i) Title 30 TAC § 101.392 (relating to Exemptions)
  - (ii) Title 30 TAC § 101.401 (relating to Level of Activity Certification)
2. Permit holder shall comply with the requirements in the Prevention of Significant Deterioration (PSD) Permit Number PSD-TX-695M2 for the following pollutants: SO<sub>2</sub>.
3. The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):

- A. Title 30 TAC § 101.1 (relating to Definitions), insofar as the terms defined in this section are used to define the terms used in other applicable requirements
  - B. Title 30 TAC § 101.3 (relating to Circumvention)
  - C. Title 30 TAC § 101.8 (relating to Sampling), if such action has been requested by the TCEQ
  - D. Title 30 TAC § 101.9 (relating to Sampling Ports), if such action has been requested by the TCEQ
  - E. Title 30 TAC § 101.10 (relating to Emissions Inventory Requirements)
  - F. Title 30 TAC § 101.201 (relating to Emission Event Reporting and Recordkeeping Requirements)
  - G. Title 30 TAC § 101.211 (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements)
  - H. Title 30 TAC § 101.221 (relating to Operational Requirements)
  - I. Title 30 TAC § 101.222 (relating to Demonstrations)
  - J. Title 30 TAC § 101.223 (relating to Actions to Reduce Excessive Emissions)
4. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
- A. For stationary vents with a flow rate of less than 100,000 actual cubic feet per minute and constructed on or before January 31, 1972, that are not listed in the Applicable Requirements Summary attachment, the permit holder shall comply with the following requirements:
    - (i) Title 30 TAC § 111.111(a)(1)(A) (relating to Requirements for Specified Sources)
    - (ii) Title 30 TAC § 111.111(a)(1)(E)
    - (iii) Title 30 TAC §§ 111.111(a)(1)(F)(i), (ii), (iii), or (iv)
    - (iv) For emission units with vent emissions subject to 30 TAC § 111.111(a)(1)(A), complying with 30 TAC §§ 111.111(a)(1)(F)(ii), (iii), or (iv), and capable of producing visible emissions from (but not limited to) particulate matter, acid gases, and NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. These periodic monitoring requirements do not apply to vents that do not emit visible

emissions such as vents that emit only VOC or vents that provide passive ventilation, such as plumbing vents; or vents that are subject to the emission limitations of 30 TAC § 111.111(a)(1)(A) and Compliance Assurance Monitoring as specified in the attached Applicable Requirements Summary and "Additional Monitoring Requirements:"

1. An observation of stationary vents from emission units in operation shall be conducted at least once during each calendar quarter unless the emission unit is not operating for the entire quarter.
2. For stationary vents from a combustion source, if an alternative to the normally fired fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are present. If such period is greater than three months, observations shall be conducted once during each quarter. Supplementing the normally fired fuel with natural gas or fuel gas to increase the net heating value to the minimum required value does not constitute creation of an alternative fuel.
3. Records of all observations shall be maintained.
4. Visible emissions observations of emission units operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of emission units operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions observations shall be made during times when the activities described in 30 TAC § 111.111(a)(1)(E) are not taking place. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.

5. Compliance Certification:

- (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC §§ 111.111(a)(1) and (a)(1)(A).
  - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.
  - (c) Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.
- B. Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.
- C. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).
- D. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
- (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits)
  - (ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in 30 TAC § 111.151(b)

(iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c)

5. Per Consent Decree 2:07CV134WL, Baytown Facility units PRO-REGEN and 1 at the Rhodia Baytown Plant become applicable to the consent decree or 40 CFR 60, Subpart H for SO<sub>2</sub> and opacity, whichever is more stringent on January 1, 2009. Interim emissions limits are contained in NSR Permit 9565. On or before this date, Rhodia, Baytown Plant will submit permit revisions to update applicability
6. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
  - A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping)
  - B. Title 40 CFR § 60.8 (relating to Performance Tests)
  - C. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements)
  - D. Title 40 CFR § 60.12 (relating to Circumvention)
  - E. Title 40 CFR § 60.13 (relating to Monitoring Requirements)
  - F. Title 40 CFR § 60.14 (relating to Modification)
  - G. Title 40 CFR § 60.15 (relating to Reconstruction)
  - H. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements)
7. The permit holder shall comply with certified registrations submitted to the TCEQ for purposes of establishing federally enforceable emission limits. A copy of the certified registration shall be maintained with the permit. Records sufficient to demonstrate compliance with the established limits shall be maintained. The certified registration and records demonstrating compliance shall be provided, on request, to representatives of the appropriate TCEQ regional office and any local air pollution control agency having jurisdiction over the site. The permit holder shall submit updated certified registrations when changes at the site require establishment of new emission limits. If changes result in emissions that do not remain below major source thresholds, the permit holder shall submit a revision application to codify the appropriate requirements in the permit.

#### **Additional Monitoring Requirements**

8. Unless otherwise specified, the permit holder shall comply with the compliance assurance monitoring requirements as specified in the attached "CAM Summary" upon issuance of the permit. In addition, the permit holder shall comply with the following:

- A. The permit holder shall comply with the terms and conditions contained in 30 TAC § 122.147 (General Terms and Conditions for Compliance Assurance Monitoring).
  - B. The permit holder shall report, consistent with the averaging time identified in the "CAM Summary," deviations as defined by the deviation limit in the "CAM Summary." Any monitoring data below a minimum limit or above a maximum limit, that is collected in accordance with the requirements specified in 40 CFR § 64.7(c), shall be reported as a deviation. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).
  - C. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "CAM Summary," for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall data be collected and used in particular instances in order to avoid reporting deviations. All monitoring data shall be collected in accordance with the requirements specified in 40 CFR § 64.7(c).
  - D. The permit holder shall operate the monitoring, identified in the attached "CAM Summary," in accordance with the provisions of 40 CFR § 64.7
9. The permit holder shall comply with the periodic monitoring requirements as specified in the attached "Periodic Monitoring Summary" upon issuance of the permit. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality-assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permit holder shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "Periodic Monitoring Summary," for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall data be collected and used in particular instances to avoid reporting deviations. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).

#### **New Source Review Authorization Requirements**

10. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule, standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
- A. Are incorporated by reference into this permit as applicable requirements
  - B. Shall be located with this operating permit

C. Are not eligible for a permit shield

11. The permit holder shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.

### **Compliance Requirements**

12. The permit holder shall certify compliance with all permit terms and conditions using, at a minimum (but not limited to) the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.

13. The permit holder shall adhere to the provisions in the Compliance Schedule attachment of this permit and submit certified progress reports consistent with the schedule established under 30 TAC § 122.132(e)(4)(C) and including the information specified in 30 TAC § 122.142(e)(2). Those emission units listed in the Compliance Schedule attachment shall adhere with the requirements in the Compliance Schedule attachment until operating fully in compliance with the applicable requirements.

14. Permit holder shall comply with the following 30 TAC Chapter 117 requirement:

A. The permit holder shall comply with the compliance schedules and submit written notification to the TCEQ Executive Director as required in 30 TAC Chapter 117, Subchapter H, Division 1:

(i) For sources in the Houston-Galveston Nonattainment area, 30 TAC § 117.9020:

(1) Title 30 TAC §§ 117.9020(2)(A), (C), and (D)

B. The permit holder shall comply with the Initial Control Plan unit listing requirement in 30 TAC §§ 117.350(c) and (c)(1).

15. Use of Emission Credits to Comply with Applicable Requirements:

A. Unless otherwise prohibited, the permit holder may use emission credits to comply with the following applicable requirements listed elsewhere in this permit:

(i) Title 30 TAC Chapter 115

(ii) Title 30 TAC Chapter 117

(iii) Offsets for Title 30 TAC Chapter 116

B. The permit holder shall comply with the following requirements in order to use the emission credits to comply with the applicable requirements:

- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.306(c)(2)
- (ii) The emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 1
- (iii) The executive director has approved the use of the credit according to 30 TAC § 101.306(c)(2)
- (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.302(g) and 30 TAC Chapter 122

16. Use of Discrete Emission Credits to Comply with Applicable Requirements:

A. Unless other wise prohibited, the permit holder may use discrete emission credits to comply with the following applicable requirements listed elsewhere in this permit:

- (i) Title 30 TAC Chapter 115
- (ii) Title 30 TAC Chapter 117
- (iii) If applicable, offsets for Title 30 TAC Chapter 116
- (iv) Temporarily exceed state NSR permit allowables

B. The permit holder shall comply with the following requirements in order to use the credit to comply with the applicable requirements:

- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.376(d)
- (ii) The discrete emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 4
- (iii) The executive director has approved the use of the discrete emission credits according to 30 TAC § 101.376(d)(1)(A)
- (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.372(h) and 30 TAC Chapter 122



### **Risk Management Plan**

17. For processes subject to 40 CFR Part 68 and specified in 40 CFR § 68.10, the permit holder shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR Part 68. The permit holder shall submit to the appropriate agency either a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR § 68.10(a), or as part of the compliance certification submitted under this permit, a certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of a risk management plan.

### **Permit Location**

18. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

### **Permit Shield (30 TAC § 122.148)**

19. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

**ATTACHMENTS**

**Applicable Requirements Summary**

**Additional Monitoring Requirements**

**Permit Shield**

**New Source Review Authorization References**

**Schedules**

**APPLICABLE REQUIREMENTS SUMMARY**

**Unit Summary ..... 13**

**Applicable Requirements Summary ..... 15**

Note: A “none” entry may be noted for some emission sources in this permit’s “Applicable Requirements Summary” under the heading of “Monitoring and Testing Requirements” and/or “Recordkeeping Requirements” and/or “Reporting Requirements.” Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Recordkeeping Terms and Conditions (30 TAC § 122.144), Reporting Terms and Conditions (30 TAC § 122.145), and Compliance Certification Terms and Conditions (30 TAC § 122.146) continue to apply.

### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0001	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP LESS THAN 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS), DAILY THROUGHPUT = NO VALUE
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0002	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP GREATER THAN OR EQUAL TO 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS)
PKGBOILSTK	PACKAGE BOILER	N/A	R7ICI-0001	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	R7ICI-0002	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	PSD	Prevention of Significant Deterioration	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.

### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRPACIDTNK	STORAGE TANKS/VESSELS	T-5, T-6, T-7, T-8	R5112-0001	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
T-16	STORAGE TANKS/VESSELS	N/A	R5112-0004	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.
PREHTRSTK	PREHEATER FOR FURNACE	N/A	R7ICI-0001	30 TAC Chapter 117, Commercial	No changing attributes.

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
BARGE-DOCK	EU	R5211-0001	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(1) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Vapor pressure (at land-based operations). All land-based loading and unloading of VOC with a true vapor pressure less than 0.5 psia is exempt from the requirements of this division, except as specified.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B)	None
BARGE-DOCK	EU	R5211-0002	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(2)(A) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Any plant, excluding gasoline bulk plants, which loads less than 20,000 gpd of VOC with a true vapor pressure of 0.5 psia or greater is exempt from the requirements of this division, except for the specified requirements.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B) § 115.216(3)(D)	None
PKGBOILSTK	EU	R71CI-0001	NOX	30 TAC Chapter 117, Commercial	§117.300 §117.310 §117.335 §117.340 §117.345 §117.350 §117.354	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable monitoring and testing requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
PREHTRSTK	EU	R71CI-0001	NOX	30 TAC Chapter 117, Commercial	§117.300 §117.310 §117.335 §117.340 §117.345 §117.350 §117.354	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable monitoring and testing requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
1	EU	R71CI-0002	NOX	30 TAC Chapter 117, Commercial	§ 117.303	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	None	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
1	EU	PSD	**	Prevention of Significant Deterioration	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2
1	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c) **See CAM Summary	§ 112.2(c)	§ 112.2(b)
1	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b)(2)	Sulfuric acid plants or facilities used exclusively as SO2 control systems, chamber process plants, acid concentrators, or oleum storage and transfer facilities are exempt from this section.	None	None	None
1	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
1	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
1	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None
T-16	EU	R5112-0004	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5) *See Periodic Monitoring	§ 115.116(a)(4) § 115.116(a)(5)	None
GRPACIDTNK	EU	R5112-0001	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5) **See Periodic Monitoring	§ 115.116(a)(4) § 115.116(a)(5)	None
PRO-REGEN	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c)	§ 112.2(c)	§ 112.2(b)



### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
PRO-REGEN	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b) § 112.41(b)(1)	Sulfuric acid or oleum facilities may not permit emissions of H2SO4 mist to exceed 0.50 lb/ton (0.25 gram/kg) of 100% H2SO4 produced when burning specified compounds by the contact process.	§ 112.43(b) § 112.43(c) [G]§ 112.43(c)(1) [G]§ 112.43(c)(2) § 112.45(a)	[G]§ 112.45(b)	None
PRO-REGEN	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)
PRO-REGEN	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
PRO-REGEN	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None

**ADDITIONAL MONITORING REQUIREMENTS**

**Compliance Assurance Monitoring Summary ..... 20**  
**Periodic Monitoring Summary ..... 22**

## CAM Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: 1	Applicable Form: OP-UA43
Control Device ID No.: Ammonia Scrubber	Control Device Type: SO2 Scrubber
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 112, Sulfur Compounds	SOP Index No.: REG2-002
Pollutant: SO2	Main Standard: 112.6
MONITORING INFORMATION	
Indicator: Liquid Flow Rate	
Minimum Frequency: once per day	
Averaging Period: n/a*	
Deviation Limit: Minimum liquid flow rate is 650 gallons per minute	
<p>CAM Text: Each monitoring device shall be calibrated at a frequency in accordance with the manufacturer's specifications, other written procedures that provide an adequate assurance that the device is calibrated accurately, or at least annually, whichever is more frequent, and shall be accurate to within one of the following:</p> <ul style="list-style-type: none"> <li>± 2% of span; or</li> <li>± 5% of design liquid flow rate.</li> </ul>	

\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.

## CAM Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: 1	Applicable Form: OP-UA43
Control Device ID No.: Ammonia Scrubber	Control Device Type: SO2 Scrubber
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 112, Sulfur Compounds	SOP Index No.: REG2-002
Pollutant: SO2	Main Standard: 112.6
MONITORING INFORMATION	
Indicator: pH	
Minimum Frequency: once per day	
Averaging Period: n/a*	
Deviation Limit: Minimum pH is 4.5	
CAM Text: Each monitoring device shall be cleaned with an automatic cleaning system, or cleaned weekly using hydraulic, chemical, or mechanical cleaning. Each monitoring device shall be calibrated at a frequency in accordance with the manufacturer's specifications, other written procedures that provide an adequate assurance that the device is calibrated accurately, or at least weekly, whichever is more frequent, and shall be accurate to within $\pm 0.5$ pH unit.	

\* The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.

## Periodic Monitoring Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: GRPACIDTNK	Applicable Form: OP-UA03
Control Device ID No.: 1	Control Device Type: Thermal Incinerator
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 115, Storage of VOCs	SOP Index No.: R5112-0001
Pollutant: VOC	Main Standard: § 115.112(a)(1)
MONITORING INFORMATION	
Indicator: Combustion Temperature/ Exhaust Gas Temperature	
Minimum Frequency: once per week	
Averaging Period: n/a*	
Deviation Limit: Minimum Temperature = 1825	
<p>Periodic Monitoring Text: Measure and record the combustion temperature in the combustion chamber or immediately downstream of the combustion chamber. The monitoring instrumentation shall be maintained, calibrated and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data below the minimum limit shall be considered and reported as a deviation.</p>	

**\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.**

## Periodic Monitoring Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: T-16	Applicable Form: OP-UA03
Control Device ID No.: DOCKVC.	Control Device Type: Vapor Combustor
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 115, Storage of VOCs	SOP Index No.: R5112-0004
Pollutant: VOC	Main Standard: § 115.112(a)(1)
MONITORING INFORMATION	
Indicator: Combustion Temperature / Exhaust Gas Temperature	
Minimum Frequency: Once per week	
Averaging Period: n/a*	
Deviation Limit: Minimum temperature = 1400 degrees F	
Periodic Monitoring Text: Measure and record the combustion temperature in the combustion chamber of immediately downstream of the combustion chamber. The monitoring instrumentation shall be maintained, calibrated and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data below the minimum limit shall be considered and reported as a deviation.	

\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.

**PERMIT SHIELD**

**Permit Shield .....25**

### Permit Shield

The TCEQ Executive Director has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

Unit/Group/Process		Regulation	Basis of Determination
ID No.	Group/Inclusive Units		
PKGBOILSTK	N/A	40 CFR Part 60, Subpart Db	Boiler was constructed prior to 06/19/1984.
BTCT	N/A	40 CFR Part 63, Subpart Q	Cooling tower has not operated with chromium based chemicals on or after 09/18/1994.
GRPACIDTNK	T-5, T-6, T-7, T-8	40 CFR Part 60, Subpart K	Tanks were constructed prior to 1973.
T-16	N/A	40 CFR Part 60, Subpart K	Tank was constructed prior to 1973.



**NEW SOURCE REVIEW AUTHORIZATION REFERENCES**

**New Source Review Authorization References .....27**  
**New Source Review Authorization References by Emission Unit.....28**

### New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

PSD Permits	NA Permits
PSD Permit No.: PSD-TX-695M2	NA Permit No.:
PSD Permit No.:	NA Permit No.:
PSD Permit No.:	NA Permit No.:
Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area	
Authorization No.:	Authorization No.:
Authorization No.: 56534	Authorization No.: 9565
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Permits By Rule (30 TAC Chapter 106) for the Application Area	
Number: 106.261	Version No./Date: 11/01/2003
Number: 106.262	Version No./Date: 09/04/2000
Number: 106.371	Version No./Date: 03/14/1997
Number: 106.472	Version No./Date: 03/14/1997
Number: 106.478	Version No./Date: 03/14/1997
Number: 007	Version No./Date: 08/11/1989
Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum	
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:

### New Source Review Authorization References by Emissions Unit

The following is a list of New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
1	FURNACE	9565, PSD-TX-695M2
BARGE-DOCK	SPENT ACID LOADING	56534
BTCT	COOLING TOWER	106.371/03/14/1997
PKGBOILSTK	PACKAGE BOILER	007/08/11/1989
PREHTRSTK	PREHEATER	007/08/11/1989
PRO-REGEN	REGEN PROCESS UNIT	9565
T-16	SPENT ACID STORAGE TANK	56534
T-5	SPENT ACID STORAGE TANK	56534
T-6	SPENT ACID STORAGE TANK	56534
T-7	SPENT ACID STORAGE TANK	56534
T-8	SPENT ACID STORAGE TANK	56534

**SCHEDULES**

**Compliance Schedule ..... 30**

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
T-16	EU	R5112-0002	VOC	115.112(a)(1)	Storage tank must be controlled by a VRS and control device
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
115.112(a)(1)		Storage tank must be controlled by a VRS and control device		NSR 56534 permit amendment application	
C. Brief Description of the Noncompliance Situation					
Storage tank with maximum true vapor pressure greater than 1.5 psia is not equipped with a VRS and control device					
D. Brief Description of Corrective Action Plan					
Vapor combustor to be installed to control emissions from T-16 per Permit No. 56534					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Tank T-16 was emptied, cleaned, and removed from service by March 1, 2007 and will remain out of service until the vapor combustor is installed				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Semi-annual beginning six months after permit issuance.		

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
PREHTRSTK	EU		NOx	117.310(a)(8)(A)(ii)	NOx limit is 0.036 lb/MMBtu (or 30 ppmv NOx, at 3.0% O2, dry basis)
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
117.9020(2)(C)		Perform Stack test		Rhodia Baytown Plant	
C. Brief Description of the Noncompliance Situation					
The preheater (EPN PREHTRSTK) became subject to Chapter 117 requirements in June 2007. The preheater has not been tested to meet the new requirements of Chapter 117					
D. Brief Description of Corrective Action Plan					
Rhodia, Inc will perform the required stack test stated in 30 TAC Chapter 117.9020(2)(C)					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Rhodia, Inc will perform stack test by 08/31/2008				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports				Quarterly three months after permit issuance.	

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
PREHTRSTK	EU		CO	117.310(c)(1)	CO limit 400 ppmv at 3.0% O <sub>2</sub> , dry basis
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
117.9020(2)(C)		Perform Stack test		Rhodia Baytown Plant	
C. Brief Description of the Noncompliance Situation					
The preheater (EPN PREHTRSTK) became subject to Chapter 117 requirements in June 2007. The preheater has not been tested to meet the new requirements of Chapter 117					
D. Brief Description of Corrective Action Plan					
Rhodia, Inc will perform the required stack test stated in 30 TAC Chapter 117.9020(2)(C)					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Rhodia, Inc will perform stack test by 08/31/2008				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Quarterly three months after permit issuance.		

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
<b>PKGBOILSTK</b>	EU		NOx	117.310(a)(8)(A)(ii)	NOx limit is 0.036 lb/MMBtu (or 30ppmv NOx, at 3.0% O2, dry basis)
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
117.9020(2)(C)		Perform Stack test		Rhodia Baytown Plant	
C. Brief Description of the Noncompliance Situation					
The package boiler ( EPN PKGBOILSTK) became subject to Chapter 117 requirements in June 2007. The package boiler has not been tested to meet the new requirements of Chapter 117					
D. Brief Description of Corrective Action Plan					
Rhodia, Inc will perform the required stack test stated in 30 TAC Chapter 117.9020(2)(C)					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Rhodia, Inc will perform stack test by 08/31/2008				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Quarterly three months after permit issuance.		



## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
PKGBOILSTK	EU		CO	117.310(c)(1)	CO limit 400 ppmv at 3.0% O <sub>2</sub> , dry basis
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance			Location of Records Documenting Situation Details		
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
117.9020(2)(C)		Perform Stack test		Rhodia Baytown Plant	
C. Brief Description of the Noncompliance Situation					
The package boiler ( EPN PKGBOILSTK) became subject to Chapter 117 requirements in June 2007. The package boiler has not been tested to meet the new requirements of Chapter 117					
D. Brief Description of Corrective Action Plan					
Rhodia, Inc will perform the required stack test stated in 30 TAC Chapter 117.9020(2)(C)					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Rhodia, Inc will perform stack test by 08/31/2008				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Quarterly three months after permit issuance.		

**APPENDIX A**

**Acronym List ..... 36**

## ACRONYM LIST

The following abbreviations or acronyms may be used in this permit:

ACFM	actual cubic feet per minute
AMOC	alternate means of control
ARP	Acid Rain Program
ASTM	American Society of Testing and Materials
B/PA	Beaumont/Port Arthur (nonattainment area)
CAM	Compliance Assurance Monitoring
CD	control device
COMS	continuous opacity monitoring system
CVS	closed-vent system
D/FW	Dallas/Fort Worth (nonattainment area)
DR	Designated Representative
EIP	El Paso (nonattainment area)
EP	emission point
EPA	U.S. Environmental Protection Agency
EU	emission unit
FCAA Amendments	Federal Clean Air Act Amendments
FOP	federal operating permit
GF	grandfathered
gr/100 scf	grains per 100 standard cubic feet
HAP	hazardous air pollutant
H/G	Houston/Galveston (nonattainment area)
H <sub>2</sub> S	hydrogen sulfide
ID No.	identification number
lb/hr	pound(s) per hour
MMBtu/hr	Million British thermal units per hour
MRRT	monitoring, recordkeeping, reporting, and testing
NA	nonattainment
N/A	not applicable
NADB	National Allowance Data Base
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standard (40 CFR Part 60)
NSR	New Source Review
ORIS	Office of Regulatory Information Systems
Pb	lead
PBR	Permit By Rule
PM	particulate matter
ppmv	parts per million by volume
PSD	prevention of significant deterioration
RO	Responsible Official
SO <sub>2</sub>	sulfur dioxide
TSP	total suspended particulate
TVP	true vapor pressure
U.S.C.	United States Code
VOC	volatile organic compound

**FEDERAL OPERATING PERMIT - TECHNICAL REVIEW SUMMARY  
SITE OPERATING PERMIT (SOP) MINOR REVISION**

Permit #:	<b>01610</b>	Company:	<b>Rhodia Inc</b>
Project #:	<b>11642</b>	Site:	<b>Rhodia-baytown Plant</b>
Account #:	<b>HG-0696-Q</b>	Application Area:	<b>Baytown Plant</b>
Regulated Entity #:	<b>RN100211317</b>	Customer #:	<b>CN600125330</b>
Region:	<b>12</b>	County:	<b>Harris</b>
SIC Code:	<b>2819</b>	SIC Name:	<b>Industrial Inorganic Chemicals</b>
Permit Reviewer:	<b>Kimberli Evans</b>		

---

**SITE INFORMATION**

Physical Location: Last Industrial Facility on Park Street; Surrounded By Exxonmobil  
Nearest City: Baytown  
Major Pollutants: SO<sub>2</sub>, NO<sub>x</sub>, CO  
Additional FOPs: None

---

**PROJECT SUMMARY**

This project is a minor revision of permit 01610 issued to Rhodia Inc by renewal in January 2008. The application contains a Consent Decree whose requirements need to be added to the permit via special term and condition.

---

**PROCESS DESCRIPTION**

This site is a sulfuric acid manufacturing plant. The PRO-REGEN unit is the heart of the plant which is designed to produce fresh sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) from reacted sulfuric acids or "sludges" produced by refineries and/or chemical plants. Hydrogen sulfide gas (H<sub>2</sub>S) and natural gases are burned to maintain proper operating parameters and sulfur dioxide (SO<sub>2</sub>) strengths.

The sludge and sulfur gas are sprayed into a combustion furnace (2000F) where the hydrocarbons and sulfur are burned and the spent sulfuric acid is decomposed. The combustion gases pass through a boiler for heat recovery and then through a scrubbing tower, a direct contact gas cooler (660F), two electrostatic precipitators, and a drying tower.

The SO<sub>2</sub> gas is combined with oxygen in a vanadium substrate catalytic converter to convert the SO<sub>2</sub> into sulfur trioxide (SO<sub>3</sub>). From the converter the gas is finally sent to an absorbing tower where SO<sub>3</sub> reacts with water to form sulfuric acid. The gas that exits from the tower is passed through a mist removal element where any entrained acid is removed. The final gas stream enters an ammonia scrubber that reduces the concentration of un-reacted SO<sub>2</sub> gas. The tail gas is exhausted to the atmosphere.

---

**TECHNICAL REVIEW**

**Summary of Revision**

**Working Draft Permit (WDP) Preparation**

1. Was Periodic Monitoring (PM) required and added during this revision?.....No

- 2. Was Compliance Assurance Monitoring (CAM) required and added during this revision?..... Yes
- 3. Was PM or CAM included in the permit customized for site operations? .....No
- 4. Were Special Terms and Conditions pertaining to the mass emissions cap and trade Program (for Houston/Galveston area only) included in the WDP? ..... Yes
- 5. Identify if the following are applicable for this project:
  - (a) Manually-built applicable requirements.....No
  - (b) Customized Special Terms and Conditions ..... Yes
  - (c) Manual changes to the IMS-generated applicable requirements.....No

Permit reviewer notes:

The application contained a consent decree that was not previously submitted with the renewal of this permit. Within the decree there are compliance dates that need to be followed for NSPS H for SO2. A special term and condition was added to add the date of compliance for NSPS H for Jan 1, 2009. CAM was also added for unit 1 furnace for control of SO2 emission through a caustic scrubber.

**Working Draft Permit Review**

- 1. Did the applicant's review/comments on the working draft permit result in changes to the permit content?..... Yes
- 2. Will the draft permit be sent to public announcement with unresolved issues (i.e., disagreements with applicant)?..... No

Permit reviewer notes:

The applicant requested that PM be added to the permit for GRPACIDTNKS as well as unit BARGEDOCK. Unit DOCKCV was added to the permit. Compliance schedules for several units subject to chapter 117 under the newly revised requirements were submitted. These units were out of compliance because a performance test had no been performed within the time frame stated in the rule. The test is scheduled for Aug 2008. The PM was not added for the tanks or the unit DOCK CV because they were not subject to addition monitoring under the citation stated on the OP-MON form.

**Statement of Basis**

A Statement of Basis sets forth the legal and factual basis for the applicable requirements that are included in the FOP.

The Statement of Basis was prepared on July 15, 2008.

The Statement of Basis GroupWise Document # (OPDP Database) is 50796.

**Public Announcement Information**

- 1. Were comments received during the Public Announcement period?..... Yes/No

Permit reviewer notes:

**EPA Review**

- 1. Did the EPA comment on the draft permit?..... Yes/No

Permit reviewer notes:

Milestone (Standard)	Start Date	End Date
Date Application Received by TCEQ	02/19/2008	
Date Project Received by Engineer	02/25/2008	
Technical Review Period	03/26/2008	08/15/2008
Working Draft Permit Reviewed by Applicant	06/13/2008	06/30/2008
Date Rvn-5/Draft Permit Mailed		
Public Announcement Period		
EPA Review Period		

Milestone (Optional)	Start Date	End Date
Deficiency Cycle 1		
Deficiency Cycle 2		
Date Comment on Draft Permit Received from Public		
Date comment on Draft Permit Received from EPA		
Date Public Hearing Requested		
Date Public Hearing Held		

**REVISED PERMIT APPROVAL DATE:**

*Kimberli Evans* 8/4/08  
 Kimberli Evans Date  
 Permit Reviewer  
 Operating Permits Section  
 Air Permits Division

*Javier Maldonado* 8/8/09  
 Javier Maldonado, P.E. Date  
 Team Leader  
 Operating Permits Section  
 Air Permit Division

**ATTACHMENTS**  
 Administrative Data

## **ADMINISTRATIVE DATA**

### **Responsible Official:**

James Harton  
President Eco Services  
Rhodia Inc  
8 Cedar Brook Dr  
Cranbury, NJ 08512-7500

### **Duly Authorized Representative:**

Al Semaan  
Plant Manager  
Rhodia Inc  
8615 Manchester St  
Houston, TX 77012

### **Technical Contact:**

William F. Dickerson  
Environmental Manager  
Rhodia Inc  
Po Box 5275  
Houston, TX 77262  
Phone: (713) 928-3411  
Email:



AIR PERMITS DIVISION

SEP - 2 2008

RECEIVED

**Eco Services Enterprise  
Houston/Baytown Plants**

RHODIA INC.  
P.O. BOX 3331  
3439 PARK ST.  
BAYTOWN, TX. 77522-3331

**Certified Mail: Return Receipt Requested (7007 0220 0000 4422 3896)**

August 21, 2008

Kimberli Evans, MC-163  
Air Section  
Texas Commission on Environmental Quality  
Mail Code 163  
PO Box 13087  
Austin, Texas 78711-3087

RE: Rhodia Inc.  
Baytown, Texas  
Response to Draft Permit  
Permit No.: O-01610  
Account No.: HG-0696-Q

Dear Ms. Evans:

Please find our enclosed response to the draft permit received by Rhodia on August 14<sup>th</sup>, 2008, for the Rhodia Baytown facility.

If there are any questions, please contact me at (713) 924-1484, or Floyd Dickerson at (713) 924-1408.

Sincerely,

Samuel E. Keen, P.E.  
Environmental Engineer

Attachments



**Rhodia Inc.**  
**Baytown Plant**  
**Title V Minor Revision**  
**Permit Number O-1610**  
**August 21, 2008**

This document is to response to TCEQ WDP sent via email on 8/14/2008.

1. **Page 4**  
Remove extra blank lines before 5.
2. **Page 6, Special Condition 5**  
"Interim emissions limits for are contained in NSR Permit 9565. On or before this date, .....". Please delete the word "for".
3. **Page 7, Special Condition 9**  
Please delete the line break between "periodic" and "monitoring summary"
4. **Page 8, Special Condition 14**  
The citation of 117.9020(1) is dropped. This is possibly correct since 9020(1) is for RACT. Please confirm that it was not deleted by accident.
5. **Page 9, Special Condition 16**  
Add an extra line between (iii) and (iv).
6. **Page 14, PREHTRSTK**  
Change "PREHEATER TO FURNACE" TO "PREHEATER FOR FURNACE"
7. **Page 16**  
Unit 1 is missing "See CAM Summary"  

ID No.	Monitoring and Testing Requirements
1	§ 112.2(a) § 112.6(c) ** See CAM Summary
8. **Page 20, Deviation Limit**  
Deviation Limit is missing "Minimum liquid flow rate is 650 gallons per minute".
9. **Page 21, Deviation Limit**  
Deviation Limit is missing "Minimum pH is 4.5".
10. **Page 21, extra cell**  
Delete an extra cell below 0.5 pH unit.
11. **Page 23, extra cell**  
Delete an extra cell below deviation.

**12. Page 25, T-16**

Change "Tanks were constructed prior to 1973" to "Tank was constructed prior to 1973."

**13. Page 32, PREHTRSTK test schedule**

This page is for CO, not NOx. Please change Pollutant from NOx to CO.

**14. Page 33, PKGBOILSTK test schedule**

Under Test Description, Change 036 lb/MMBtu to 0.036 lb/MMBtu.

**15. Page 34, PKGBOILSTK test schedule**

This page is for CO, not NOx. Please change Pollutant from NOx to CO.

**Other Responses**

1. Since Unit 1 and DOCKVC are already covered under Special Condition 1.D for exemption, there is no need to put them in OP-REQ2 (permit shield).
2. It is fine that DOCKVC is not listed in the "New Source Review Authorization References" table.
3. BARGEDOCK is fugitive emission. It should not have any Periodic Monitoring.
4. There are no proper OP-UA forms for SO2 control from spent acid tanks. Therefore, the periodic monitoring is not needed for the SO2 scrubbers.

**Kimberli Evans - Rhodia Baytown Title V**

---

**From:** Wei Liu <WLiU@trinityconsultants.com>  
**To:** <KEvans@tceq.state.tx.us>  
**Date:** 8/18/2008 11:23 AM  
**Subject:** Rhodia Baytown Title V

---

Kimberli:

I want to confirm one thing. If there in no proper OP-UA form to be entered into OP-MON, then a unit doesn't require OP-MON. For instance, spent acid tanks have SO2 emissions. However, the OP-UA43 for sulfuric acid plant is intended for the sulfuric acid making like the furnace. The spent acid tanks may not be proper for this form.

I'm thinking two options

- 1 Drop the Periodic Monitoring PM for the caustic scrubbers for these tanks
- 2 I already have VOC periodic monitoring for these tanks. Can I add the caustic scrubbers to OP-MON form table 1b? It is kind of odd. Since Table 1a discusses VOC control, the scrubber is for SO2. The indicator and deviation limit only reflects the VOC control. Can I add another line for SO2?

Let me know your suggestions.

Regards,

Wei Liu, Ph.D., P.E.

Trinity Consultants  
1001 West Loop South  
Suite 640  
Houston TX 77027

Direct line: 713-579-7145  
Phone 713-552-1371 ext. 245  
Fax: 713-552-1374

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**Monitoring Requirements  
Form OP-MON (Page 1)  
Federal Operating Permit Program**

**Table 1a: CAM/PM Additions**

I. IDENTIFYING INFORMATION			
A. Account No.: HG-0696-Q		B. RN No.: RN100211317	C. CN No.: CN600125330
D. Permit No.: O-01610		E. Project No.:	F. Area Name: Baytown Plant
G. Company Name: Rhodia Inc.			
II. UNIT/EMISSION POINT/GROUP/PROCESS INFORMATION			
A. Revision No.:		B. Unit/EPN/Group/Process ID No.:	T-16
		C. Applicable Form:	
III. APPLICABLE REGULATORY REQUIREMENT			
A. Name:		30 TAC Chapter 112	B. SOP/GOP Index No.:
C. Pollutant:	SO2	D. Main Standard:	§112.6
IV. TITLE V MONITORING INFORMATION			
A. Monitoring Type:	PM	B. Unit Size:	C. CAM/PM Option No.: PM-S-009
D. Deviation Limit:	Minimum pH = 8		
E. CAM/PM Option No.:		PM-S-010	
F. Deviation Limit:	Minimum liquid supply pressure = 60 psig		
V. CONTROL DEVICE INFORMATION			
A. Device ID No.:	DOCKSCR	B. Device Type:	SO2SCR

*PC*



**Form OP-MON (Page 1)  
Federal Operating Permit Program**

**Table 1a: CAM/PM Additions**

I. IDENTIFYING INFORMATION			
A. Account No.: HG-0696-Q		B. RN No.: RN100211317	C. CN No.: CN600125330
D. Permit No.: O-01610		E. Project No.:	F. Area Name: Baytown Plant
G. Company Name: Rhodia Inc.			
II. UNIT/EMISSION POINT/GROUP/PROCESS INFORMATION			
A. Revision No.:		B. Unit/EPN/Group/Process ID No.:	BARGE-DOCK
C. Applicable Form:			
III. APPLICABLE REGULATORY REQUIREMENT			
A. Name:		30 TAC Chapter 112	B. SOP/GOP Index No.:
C. Pollutant:	SO2	D. Main Standard:	§112.6
IV. TITLE V MONITORING INFORMATION			
A. Monitoring Type:	PM	B. Unit Size:	C. CAM/PM Option No.: PM-S-009
D. Deviation Limit:	Minimum pH = 8		
E. CAM/PM Option No.:	PM-S-010		
F. Deviation Limit:	Minimum liquid supply pressure = 60 psig		
V. CONTROL DEVICE INFORMATION			
A. Device ID No.:	DOCKSCR	B. Device Type:	SO2SCR

*KE*



**Form OP-MON (Page 1)  
Federal Operating Permit Program**

**Table 1a: CAM/PM Additions**

<b>I. IDENTIFYING INFORMATION</b>					
A. Account No.: HG-0696-Q		B. RN No.: RN100211317		C. CN No.: CN600125330	
D. Permit No.: O-01610		E. Project No.:		F. Area Name: Baytown Plant	
G. Company Name: Rhodia Inc.					
<b>II. UNIT/EMISSION POINT/GROUP/PROCESS INFORMATION</b>					
A. Revision No.:		B. Unit/EPN/Group/Process ID No.:		C. Applicable Form:	
		GRPACIDTNK			
<b>III. APPLICABLE REGULATORY REQUIREMENT</b>					
A. Name:		30 TAC Chapter 112		B. SOP/GOP Index No.:	
C. Pollutant:		SO2		D. Main Standard: §112.6	
<b>IV. TITLE V MONITORING INFORMATION</b>					
A. Monitoring Type:		PM		C. CAM/PM Option No.: PM-S-009	
D. Deviation Limit:		Minimum pH = 8			
E. CAM/PM Option No.:		PM-S-010			
F. Deviation Limit:		Minimum liquid supply pressure = 12 psig			
<b>V. CONTROL DEVICE INFORMATION</b>					
A. Device ID No.:		EMSCRUBBER		B. Device Type: SO2SCR	

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**Form OP-MON (Page 1)  
Federal Operating Permit Program**

**Table 1a: CAM/PM Additions**

I. IDENTIFYING INFORMATION					
A. Account No.: HG-0696-Q		B. RN No.: RN100211317		C. CN No.: CN600125330	
D. Permit No.: O-01610		E. Project No.:		F. Area Name: Baytown Plant	
G. Company Name: Rhodia Inc.					
II. UNIT/EMISSION POINT/GROUP/PROCESS INFORMATION					
A. Revision No.:		B. Unit/EPN/Group/Process ID No.:		T-16	C. Applicable Form: OP-UA3
III. APPLICABLE REGULATORY REQUIREMENT					
A. Name:		30 TAC Chapter 115		B. SOP/GOP Index No.: R5112-0004	
C. Pollutant:		VOC		D. Main Standard: §115.112	
IV. TITLE V MONITORING INFORMATION					
A. Monitoring Type:		PM		B. Unit Size:	
D. Deviation Limit:		Minimum temperature = 1400 F			
E. CAM/PM Option No.:					
F. Deviation Limit:					
V. CONTROL DEVICE INFORMATION					
A. Device ID No.:		DOCKVC		B. Device Type: COMB	

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**Form OP-MON (Page 1)  
Federal Operating Permit Program**

**Table 1a: CAM/PM Additions**

I. IDENTIFYING INFORMATION					
A. Account No.: HG-0696-Q		B. RN No.: RN100211317		C. CN No.: CN600125330	
D. Permit No.: O-01610		E. Project No.:		F. Area Name: Baytown Plant	
G. Company Name: Rhodia Inc.					
II. UNIT/EMISSION POINT/GROUP/PROCESS INFORMATION					
A. Revision No.:		B. Unit/EPN/Group/Process ID No.:		C. Applicable Form: OP-UA4	
BARGE-DOCK					
III. APPLICABLE REGULATORY REQUIREMENT					
A. Name:		30 TAC Chapter 115		B. SOP/GOP Index No.: R5112-0001	
C. Pollutant:		VOC		D. Main Standard: §115.112	
IV. TITLE V MONITORING INFORMATION					
A. Monitoring Type:		PM		B. Unit Size:	
C. CAM/PM Option No.:		PM-V-008			
D. Deviation Limit:		Minimum temperature = 1400 F			
E. CAM/PM Option No.:					
F. Deviation Limit:					
V. CONTROL DEVICE INFORMATION					
A. Device ID No.:		DOCKVC		B. Device Type: COMB	

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**Form OP-MON (Page 1)  
Federal Operating Permit Program**

**Table 1a: CAM/PM Additions**

I. IDENTIFYING INFORMATION				
A. Account No.: HG-0696-Q		B. RN No.: RN100211317		C. CN No.: CN600125330
D. Permit No.: O-01610		E. Project No.:		F. Area Name: Baytown Plant
G. Company Name: Rhodia Inc.				
II. UNIT/EMISSION POINT/GROUP/PROCESS INFORMATION				
A. Revision No.:		B. Unit/EPN/Group/Process ID No.:		C. Applicable Form:
		1		OP-UA43
III. APPLICABLE REGULATORY REQUIREMENT				
A. Name:		30 TAC Chapter 112		B. SOP/GOP Index No.:
C. Pollutant:		SO2		D. Main Standard:
				§112.6
IV. TITLE V MONITORING INFORMATION				
A. Monitoring Type:		CAM		B. Unit Size:
D. Deviation Limit:		LG		C. CAM/PM Option No.:
		Minimum pH = 4.5		CAM-SS-011
E. CAM/PM Option No.:		CAM-SS-012		
F. Deviation Limit:		Minimum liquid flow rate = 650 gallons/minute		
V. CONTROL DEVICE INFORMATION				
A. Device ID No.:		Ammonia Scrubber		B. Device Type:
				SO2SCR

*me*

**Rhodia Inc.  
 Baytown Plant  
 Title V Minor Revision  
 Permit Number O-01610**

This document is in response to the TCEQ electronic WDP sent on June 13, 2008.

**1. Special Terms and Conditions 1:D. Change the last sentence to:**

Title 30 TAC Chapter 117 Section 117.303 applies to the following units: 1, DOCKVC,

**2. Special Terms and Conditions 1:E. Change the last sentence to:**

Title 30 TAC Chapter 117 Section §117.300, §117.310, §117.335, §117.340, §117.345, §117.350, §117.354 apply to the following units: PKGBOILSTK, PREHTRFURN

**3. Special Terms and Conditions 1: The HRVOC requirement is missing. Please add a paragraph G for HRVOC similar to the current permit as the following:**

The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 6 (Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program) requirements

- (i) Title 30 TAC § 101.392 (relating to Exemptions)
- (ii) Title 30 TAC § 101.401 (relating to Level of Activity Certification)

**4. Special Terms and Conditions 13. The Compliance Schedule should be added back since the ACPS is changed and it contains new compliance schedule**

The permit holder shall adhere to the provisions in the Compliance Schedule attachment of this permit and submit certified progress reports consistent with the schedule established under 30 TAC § 122.132(e)(4)(C) and including the information specified in 30 TAC § 122.142(e)(2). Those emission units listed in the Compliance Schedule attachment shall adhere with the requirements in the Compliance Schedule attachment until operating fully in compliance with the applicable requirements.

**5. Unit Summary**

**a. "BARGE-DOCK, R5211-0001, Requirement Driver" is missing the following:**

Daily throughput = no value

**b. Line for PKGBOILSTK is missing.**

PKGBOILSTK	PACKAGE BOILER	N/A	R7ICI-0001	30 TAC Chapter 117, Commercial	No changing attributes
------------	----------------	-----	------------	--------------------------------	------------------------

Since the Special Condition 1.E states PKGBOILSTK will comply with TAC 117, this might be the reason it is omitted from Unit Summary. If this is the case, it is fine not to add this line back.

**c. Line for PREHTRFURN.**

PREHTRFURN	Preheater for furnace	N/A	R7ICI-0001	30 TAC Chapter 117, Commercial	No changing attributes
------------	-----------------------	-----	------------	--------------------------------	------------------------

This line may not be needed. The reason is similar to b.

**6. Applicable Requirements Summary**

**a. Unit 1 for TAC 117 compliance has wrong citation. It should read:**

ID	Type	SOP Index	Pollutants	Name	Citation	Textual Description	Monitoring and Testing
1	EU	R7ICI-0002	NOx	30 TAC Chapter 117, Commercial	§117.303	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	None

**b. Line for PKGBOILSTK is missing.**

PKGBOILSTK	EU	R7ICI-0001	NOx	30 TAC Chapter 117, Commercial	§117.300 §117.310 §117.335 §117.340 §117.345 §117.350 §117.354	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial

Since the Special Condition 1.E states PKGBOILSTK will comply with TAC 117, this might be the reason it is omitted from Applicable Requirements Summary. If this is the case, it is fine not to add this line back.

**c. Line for PREHTRFURN.**

PREHTRFURN	EU	R7ICI-0001	NOx	30 TAC Chapter 117, Commercial	§117.300 §117.310 §117.335 §117.340 §117.345 §117.350 §117.354	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial

This line may not be needed. The reason is similar to b.

**d. Unit 1 for SO2. The citation should be §112.6(a) instead of §112.6.**

**e. PRO-REGEN for H2SO4. The citations should be:**

Citation	Textual Description	Monitoring and Testing	Record keeping
§112.41(b) §112.41(b)(1)	Sulfuric acid or oleum facilities may not permit emissions of H2SO4 mist to exceed 0.5 lb/ton (0.25 gram/kg) of 100% H2SO4 produced when burring the specified compounds by contact process.	§112.43 (b) §112.43 (c) [G]§112.43 (c)(1) [G]§112.43 (c)(2) §112.45(a)	[G]§112.45(b)

**7. CAM Summary**

The code for control device is SO2SCR. Should the control device be SO2 Scrubber?  
Page 2 needs to include Control Device ID No.: Ammonia Scrubber and Control Device Type: SO2 scrubber.

**8. Periodic Monitoring Summary**

ID No.: GRPACIDTNK Control Device ID No.: 1. Control Device Type: Thermal Incinerator.

**9. Permit Shield. One line for T-16 is missing:**

T-16	N/A	40 CFR Part 60, Subpart K	Tank was constructed prior to 1973.
------	-----	---------------------------	-------------------------------------

**10. Permit Shield. Add 1 and DOCKVC:**

DOCKVC	N/A	30 TAC Chapter 117	Heat capacity of vapor combustor is < 40 MMBtu/hr.
1	N/A	30 TAC Chapter 117	Unit is a sulfuric acid regeneration unit

**11. New Source Review Authorization References**

Delete the line that has 007 with a version date of 09/11/1989

**12. Compliance Schedule for T-16 is missing**

Please add the schedule back unless there is no need to do so. See the attached ACPS

**13. New Source Review Authorization References by Emissions Unit**

Add unit DOCKVC. *not until added to permit shield*

**14. CAM questions on OP-MON form**

The CAM requirements for Ammonia Scrubber on OP-MON form were based on CAM-SS-011 and CAM-SS-012. Therefore, there are no specific verification procedures or methods that will be different from these two CAM citations. It might not be very obvious since Table 1c was used instead of Table 1a. To avoid further confusion, Table 1a is submitted.

**15. Please include new OP-MON forms for PM and new ACPS schedules.**

*get UA forms for*



**Application for Permit Revision/Renewal  
Form OP-2  
Federal Operating Permit Program**

Table 1

Date: 6/30/2008	Account No.: HG-0696-Q	Permit No.: O-01610
Area Name: Baytown Plant		

I. Application Type			
Significant Revision		Administrative Revision	
Streamlined Revision	<input checked="" type="checkbox"/>	Revision Requesting Prior Approval	
Renewal		Response to Reopening	
II. Qualification Statement			
For SOP Revisions Only	The referenced changes qualify for the marked revision type (YES or NO)		YES
For GOP Revisions Only	The permitted area continues to qualify for a GOP (YES or NO)		N/A

Revision No.	Revision Code	Unit/Group/Process			Description of change
		New Unit	ID No.	Applicable Form	
1	MS-A	YES	DOCKVC	OP-REQ2	TAC 117.303 requirements apply to vapor combustor



**Form OP-SUMR**  
**Individual Unit Summary for Revisions (Page 1)**  
**Federal Operating Permit Program**

Date: 6/30/2008	Account No.: HG-0696-Q	RN: RN100211317	Permit No.: O-01610
Area Name: Baytown Plant			

Unit						Preconstruction Authorizations	
Unit AI	Revision Number	ID No.	Applicable Form	Name/Description	CAM	30 TAC Chapter 116/ 30 TAC Chapter 106	Title I
A	1	DOCKVC	OP-REQ2	Dock Vapor Combustor	NO	NSR-56534	



**Texas Commission on Environmental Quality**  
**Process Heater/Furnace Attributes**  
**Form OP-UA5 (Page 1)**  
**Federal Operating Permit Program**

**Table 1a: Title 30 Texas Administrative Code Chapter 117 (30 TAC Chapter 117)**  
**Subchapter B: Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas, Process Heaters**

Date: 6/30/2008	Regulated Entity Number: RN100211317	Permit No.: O-01610
Area Name: Baytown Plant		

Unit ID No.	SOP/GOP Index No.	Unit Type	Maximum Rated Capacity	RACT Date Placed in Service	Functionally Identical Replacement	Fuel Type(s)	Annual Heat Input	NO <sub>x</sub> Emission Limitation
PREHTRFURN	R7ICI-0001	PRHTR	5-40	92-		NG		310A

*FLC*



**Texas Commission on Environmental Quality**  
**Process Heater/Furnace Attributes**  
**Form OP-UA5 (Page 2)**  
**Federal Operating Permit Program**

**Table 1b: Title 30 Texas Administrative Code Chapter 117 (30 TAC Chapter 117)**  
**Subchapter B: Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas, Process Heaters**

Date: 6/30/2008	Regulated Entity Number: RN100211317	Permit No.: O-01610
Area Name: Baytown Plant		

Unit ID No.	SOP Index No.	CO Emission Limitation	NH <sub>3</sub> Emission Limitation	Opt-in Unit	Preheated Air or Firebox Temperature	Heat Input	Fuel Multiplier	NO <sub>x</sub> Emission Limit Basis
PREHTRFURN	R7ICI-0001	310C		NO				BLK1-LB

*YR*





**Texas Commission on Environmental Quality**  
**Process Heater/Furnace Attributes**  
**Form OP-UA5 (Page 3)**  
**Federal Operating Permit Program**

**Table 1c: Title 30 Texas Administrative Code Chapter 117 (30 TAC Chapter 117)**  
**Subchapter B: Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas, Process Heaters**

<b>Date:</b> 6/30/2008	<b>Regulated Entity Number:</b> RN100211317	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant		

Unit ID No.	SOP Index No.	Monitoring System	Shared CEMS	Subpart E Variance	Subpart E Test	Diluent Monitoring	Exhaust Flow Monitoring	NO <sub>x</sub> Reduction
PREHTRFURN	R7ICI-0001	MERT						NONE

*ke*



**Texas Commission on Environmental Quality**  
**Process Heater/Furnace Attributes**  
**Form OP-UA5 (Page 4)**  
**Federal Operating Permit Program**

**Table 1d: Title 30 Texas Administrative Code Chapter 117 (30 TAC Chapter 117)**  
**Subchapter B: Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas, Process Heaters**

<b>Date:</b> 6/30/2008	<b>Regulated Entity Number:</b> RN100211317	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant		

Unit ID No.	SOP Index No.	Testing Option	Approval ID No.	Title 30 TAC Chapter 116 Permit Limit	Permit Limits
PREHTRFURN	R7ICI-0001	NO			

*DE*



**Application for Permit Revision/Renewal  
Form OP-2  
Federal Operating Permit Program**

**Table 2**

Date: 6/30/2008	Account No.: HG-0696-Q	Permit No.: O-01610
Area Name: Baytown Plant		

I. SIGNIFICANT REVISION ONLY	
<b>A. Is the site subject to bilingual requirements pursuant to 30 TAC § 122.322? (YES or NO)</b>	
<b>B. Indicate the alternate language(s) in which public notice is required:</b>	
<b>C. Will there be changes in emission levels of any air pollutants as a result of this significant revision? (YES or NO)</b>	
<b>D. Indicate the pollutant(s) that are changing and a brief description of the change in pollutant emissions for each pollutant:</b>	
Pollutant	Description of the Change in Pollutant Emissions
II. FEE INFORMATION	
<b>A. Has the applicant paid emissions fees for the most recent agency fiscal year (September 1-August 31)? (YES, NO, or NA)</b>	YES
III. DELINQUENT FEES AND PENALTIES	
<p><b>Notice: This form will not be processed until all delinquent fees and/or penalties owned TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the "Delinquent Fee and Penalty Protocol." For more information regarding Delinquent Fees and penalties, go to the TCEQ web site at:</b></p> <p><a href="http://www.tceq.state.tx.us/agency/delin/index.html">www.tceq.state.tx.us/agency/delin/index.html</a></p>	



Texas Natural Resource Conservation Commission  
 Texas Federal Operating Permit Form  
 OP-ACPS (Part 1)  
 Application Compliance Plan and Schedule

Account No.	HG-0696-Q	Date	06-30-2008
Permit Name	Baytown Plant		
Company Name	Rhodia Inc.		

**Note:** Words in *italics* in this form have specific meanings as defined in Regulation XII (30 TAC 122).

The *Responsible Official* certifies to the information contained in this form in accordance with 30 TAC 122.132(e)(9) utilizing form OP-CRO1 (Certification by Responsible Official).

<b>I. Compliance Plan Section: Future Activity Committal Statement</b>	
A. The <i>Responsible Official</i> commits, utilizing reasonable effort, to the following:  As the responsible official it is my intent that all emission units shall continue to be in compliance with all applicable requirements they are currently in compliance with, and all emission units shall be in compliance by the compliance dates with any applicable requirements that become effective during the permit term.	

II. Compliance Certification Section: Statements for Those Units in Compliance* (Indicate response by placing a 'x' in the appropriate column for each of the following questions)	Response	
	Yes	No
A. With the exception of those emission units listed in the Compliance Schedule section of this form and based, at a minimum, on the compliance method specified in the associated applicable requirements, are all emission units addressed in this application in compliance with all their respective <i>applicable requirements</i> as identified in this application?	X	
* For Site Operating Permits, the completed application, particularly the OP-REQ series of forms should be consulted for <i>applicable requirements</i> and their corresponding emission units when assessing compliance status. General Permits applicants should consult the application documentation, particularly OP-REQ1 and the appropriate requirements of the General Permits portion of Regulation XII (30 TAC 122). Compliance should be assessed based, at a minimum, on the required monitoring, testing, record keeping, and/or reporting requirements, as appropriate, associated with the applicable requirement in question.		
B. Are there any emission units or issues listed in the Compliance Schedule Section below?	X	
C. If the answer to question II.B is "Yes", indicate the total number of pages included in this form (information only)	6	

<b>III. Compliance Schedule Section: Identification of Noncompliance and the Associated Schedule to Achieve Compliance</b>
If there are noncompliance situations ongoing at time of application, then complete a separate OP-ACPS Part 2 for each separate situation. See the instructions for this form for details.
If there are no noncompliance situations ongoing at time of application, then this section is not required to be completed.



**Texas Natural Resource Conservation Commission**  
**Texas Federal Operating Permit Form**  
**OP-ACPS (Part 1)**  
**Application Compliance Plan and Schedule**

<b>Account No.</b>	HG-0696-Q	<b>Permit Name</b>	Baytown Plant	<b>Date</b>	06-30-2008
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<b>III. Compliance Schedule Section (Details)</b>					
<b>A. Identification of Specific Situation of Noncompliance</b>					
Unit/Group/Process		Seq No	Pollutant	Applicable Regulatory Requirement	
ID No.	Type			Citation	Text Description
T-16	EU		VOC	§115.112(a)(1)	Storage tank must be controlled by a VRS and control device.
<b>B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details</b>					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
§115.112(a)(1)		Storage tank must be equipped with a VRS and control device.		NSR 56534 permit amendment application.	
<b>C. Brief Description of the Noncompliance Situation</b>					
Storage tank with maximum true vapor pressure greater than 1.5 psia is not equipped with a VRS and control device.					
<b>D. Brief Description of Corrective Action Plan</b>					
Vapor combustor to be installed to control emissions from T-16 per Permit No. 56534.					
<b>E. List of Activities/Milestones to Implement the Corrective Action Plan</b>					
1	Tank T-16 was emptied, cleaned, and removed from service by March 1, 2007 and will remain out of service until the vapor combustor is installed.				
2					
3					
F. Previously Submitted Compliance Plan(s)				Type of Action	Date Submitted
				N/A	
G. Schedule for Submitting Progress Reports				Semi-annual beginning six months after permit issuance.	



**Texas Natural Resource Conservation Commission**  
**Texas Federal Operating Permit Form**  
**OP-ACPS (Part 1)**  
**Application Compliance Plan and Schedule**

<b>Account No.</b>	HG-0696-Q	<b>Permit Name</b>	Baytown Plant	<b>Date</b>	06-30-2008
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<b>III. Compliance Schedule Section (Details)</b>					
<b>A. Identification of Specific Situation of Noncompliance</b>					
Unit/Group/Process		Seq No	Pollutant	Applicable Regulatory Requirement	
ID No.	Type			Citation	Text Description
PREHTRFURN	EU		NOx	§117.310(a)(8)(A)(ii)	NOx limit is 0.036 lb/MMBtu (or 30 ppmv NO <sub>x</sub> , at 3.0% O <sub>2</sub> , dry basis)
<b>B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details</b>					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
§117.9020(2)(C)		Perform stack test.		Results will be kept on site and submitted to TCEQ	
<b>C. Brief Description of the Noncompliance Situation</b>					
The preheater (EPN PREHTRSTK) became subject to TAC 117 requirements after TAC 117 was revised on June 14, 2007. The preheater has not been tested to meet the new requirements in TAC 117.					
<b>D. Brief Description of Corrective Action Plan</b>					
Rhodia Inc. will perform the required stack test stated in TAC § 117.9020(2)(C).					
<b>E. List of Activities/Milestones to Implement the Corrective Action Plan</b>					
1	Rhodia Inc. will perform the stack test by 08/31/2008.				
2					
3					
F. Previously Submitted Compliance Plan(s)			Type of Action	Date Submitted	
			N/A		
G. Schedule for Submitting Progress Reports			Quarterly three months after the permit issuance.		



Texas Natural Resource Conservation Commission  
 Texas Federal Operating Permit Form  
 OP-ACPS (Part 1)  
 Application Compliance Plan and Schedule

<b>Account No.</b>	HG-0696-Q	<b>Permit Name</b>	Baytown Plant	<b>Date</b>	06-30-2008
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<b>III. Compliance Schedule Section (Details)</b>					
<b>A. Identification of Specific Situation of Noncompliance</b>					
Unit/Group/Process		Seq No	Pollutant	Applicable Regulatory Requirement	
ID No.	Type			Citation	Text Description
PREHTRFURN	EU		CO	§117.310(c)(1)	CO limit 400 ppmv at 3.0% O <sub>2</sub> , dry basis
<b>B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details</b>					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
§117.9020(2)(C)		Perform stack test.		Results will be kept on site and submitted to TCEQ	
<b>C. Brief Description of the Noncompliance Situation</b>					
The preheater (EPN PREHTRSTK) became subject to TAC 117 requirements after TAC 117 was revised on June 14, 2007. The preheater has not been tested to meet the new requirements in TAC 117.					
<b>D. Brief Description of Corrective Action Plan</b>					
Rhodia Inc. will perform the required stack test stated in TAC § 117.9020(2)(C).					
<b>E. List of Activities/Milestones to Implement the Corrective Action Plan</b>					
1	Rhodia Inc. will perform the stack test by 08/31/2008.				
2					
3					
F. Previously Submitted Compliance Plan(s)				Type of Action	Date Submitted
				N/A	
G. Schedule for Submitting Progress Reports				Quarterly three months after the permit issuance.	



**Texas Natural Resource Conservation Commission**  
**Texas Federal Operating Permit Form**  
**OP-ACPS (Part 1)**  
**Application Compliance Plan and Schedule**

<b>Account No.</b>	HG-0696-Q	<b>Permit Name</b>	Baytown Plant	<b>Date</b>	06-30-2008
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**III. Compliance Schedule Section (Details)**

**A. Identification of Specific Situation of Noncompliance**

Unit/Group/Process		Seq No	Pollutant	Applicable Regulatory Requirement	
ID No.	Type			Citation	Text Description
PACKGBOILR	EU		NOx	§117.310(a)(8)(A)(ii)	NOx limit is 0.036 lb/MMBtu (or 30 ppmv NO <sub>x</sub> , at 3.0% O <sub>2</sub> , dry basis)

**B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details**

Method Used to Assess Compliance		Location of Records Documenting Situation Details
Compliance Method Citation	Text Description	
§117.9020(2)(C)	Perform stack test.	Results will be kept on site and submitted to TCEQ

**C. Brief Description of the Noncompliance Situation**

The package boiler (EPN PKGBOILSTK ) became subject to TAC 117 requirements after TAC 117 was revised on June 14, 2007. The package boiler has not been tested to meet the new requirements in TAC 117.

**D. Brief Description of Corrective Action Plan**

Rhodia Inc. will perform the required stack test stated in TAC § 117.9020(2)(C).

**E. List of Activities/Milestones to Implement the Corrective Action Plan**

1	Rhodia Inc. will perform the stack test by 08/31/2008.
2	
3	

F. Previously Submitted Compliance Plan(s)	Type of Action	Date Submitted
		N/A

<b>G. Schedule for Submitting Progress Reports</b>	Quarterly three months after the permit issuance.
--	---





**Texas Natural Resource Conservation Commission**  
**Texas Federal Operating Permit Form**  
**OP-ACPS (Part 1)**  
**Application Compliance Plan and Schedule**

<b>Account No.</b>	HG-0696-Q	<b>Permit Name</b>	Baytown Plant	<b>Date</b>	06-30-2008
--------------------	-----------	--------------------	---------------	-------------	------------

<b>III. Compliance Schedule Section (Details)</b>					
<b>A. Identification of Specific Situation of Noncompliance</b>					
Unit/Group/Process		Seq No	Pollutant	Applicable Regulatory Requirement	
ID No.	Type			Citation	Text Description
PACKGBOILR	EU		CO	§117.310(c)(1)	CO limit 400 ppmv at 3.0% O <sub>2</sub> , dry basis
<b>B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details</b>					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
§117.9020(2)(C)		Perform stack test.		Results will be kept on site and submitted to TCEQ	
<b>C. Brief Description of the Noncompliance Situation</b>					
The package boiler (EPN PKGBOILSTK ) became subject to TAC 117 requirements after TAC 117 was revised on June 14, 2007. The package boiler has not been tested to meet the new requirements in TAC 117.					
<b>D. Brief Description of Corrective Action Plan</b>					
Rhodia Inc. will perform the required stack test stated in TAC § 117.9020(2)(C).					
<b>E. List of Activities/Milestones to Implement the Corrective Action Plan</b>					
1	Rhodia Inc. will perform the stack test by 08/31/2008.				
2					
3					
F. Previously Submitted Compliance Plan(s)				Type of Action	Date Submitted
				N/A	
G. Schedule for Submitting Progress Reports				Quarterly three months after the permit issuance.	

**Kimberli Evans - Rhodia WDP 01610/ Baytown Facility**

---

**From:** Kimberli Evans  
**To:** floyd.dickerson@us.rhodia.com  
**Date:** 6/13/2008 10:24 AM  
**Subject:** Rhodia WDP 01610/ Baytown Facility  
**Attachments:** rhodiawdp.doc

---

Mr. Dickerson,

I have conducted a technical review of revision application for Rhodia Inc, Baytown Facility. I have generated a Working Draft Permit (WDP), and an electronic copy is attached for your review. This WDP contains the TCEQ determination of applicable requirements based on the information submitted in your application, and any updates provided.

Please review the WDP and submit to me any comments you have on the working draft permit by July 1, 2008 . You must submit a written response by this deadline, even if you are not making any comments on the content of the WDP.

As your application was being reviewed, our CAM/PM specialist had a few questions about your verification procedures identified on the OP-MON. He wanted to know which specific method was used to verify your requested deviation limits. Please provide any clarification on the verification procedures when you submit any comments on the working draft permit.

In accordance with the policy memorandum dated January 6, 2006 available at <http://www.tceq.state.tx.us/assets/public/permitting/air/memos/voidguide06.pdf>, please be advised that failure to submit all of the information necessary to process your application by the deadline specified will result in the voidance of this application.

Thank you for your cooperation.

Sincerely,

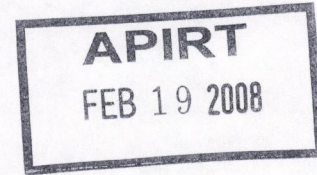
Kimberli Evans  
TCEQ  
Air Permits Division  
512.239.1100

February 15, 2008

TCEQ  
Office of Permitting, Remediation, and Registration  
12100 Park 35 Circle  
Austin, Texas 78753

(512) 239-1250

Re: Rhodia Inc.  
Baytown Plant  
Harris County, Texas  
Account No.: HG-0696-Q; RN No.: RN100211317; CN No.: CN600125330  
Title V Permit O-01610 Minor Revision



*1/16/08  
hr 2/20/08*

To Whom It May Concern:

On behalf of Rhodia Inc., Trinity Consultants Inc. has prepared a minor Title V revision for the Baytown Plant. This revision includes:

1. updated 40 CFR 60 H applicability based on Consent Decree
2. CAM requirements for ammonia scrubber

If you have any questions, please contact Floyd Dickerson, Environmental Manager for Rhodia Inc. at (713)-924-1408.

Sincerely,

*Wei Liu*  
Wei Liu, Ph.D., P.E.

Senior Consultants

Attachment

CC  
TCEQ Region 12  
Floyd Dickerson, Rhodia Inc.

*which one is  
more stringent  
NSR  
NSPS H  
Consent decree 7/09  
Interim NSR*

**FEDERAL OPERATING PERMIT RENEWAL APPLICATION  
RHODIA, INC. ■ BAYTOWN PLANT**

---

**SOP PERMIT NUMBER O-01610**

**PREPARED BY:**

**TRINITY CONSULTANTS  
1001 West Loop South  
Suite 640  
Houston, Texas 77027  
(713) 552-1360**

**February 2008**

**Project 074402.0027**

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**Rhodia, Inc.  
Baytown Plant  
Title V Minor Revision**

**Trinity Consultants  
074402.0027  
February 2008**

## 1. EXECUTIVE SUMMARY

Rhodia, Inc. (Rhodia) owns and operates a sulfuric acid plant in Baytown, Harris County, Texas. The Baytown Plant is registered under Texas Commission on Environmental Quality (TCEQ) account number HG-0696-Q. Rhodia has a TCEQ Customer Reference Number CN600125330 and the Baytown Plant is registered with a Regulated Entity Number RN100211317. Some of the operations at the plant are authorized under permit numbers C-9565, PSD-TX-695M1, and 56534. Additionally, a Site Operating Permit (SOP) number O-01610 has been issued for this site.

The Title V Permit O-01610 was renewed on January 25, 2008. However, some discrepancies have been found in the permit that do not match the Consent Decree 2:07CV134WL. Rhodia is requesting a minor revision to address this issue.

The required supporting documentation for the federal operating permit renewal is provided in this application and includes an application for permit <sup>revision</sup> (renewal) (OP-2), an individual unit summary for revisions (OP-SUMR), and a representation of the compliance status of this application area (OP-ACPS). Also included are unit attribute forms (OP-UAXX) and applicable requirements form (OP-REQ3), as necessary to accurately document the current Title V applicable requirements of this application area.

- X Since the permit was recently renewed, a certification by responsible official (OP-CRO1) is not submitted. Similarly, the entire OP-REQ1 is not submitted except Page 35 and 36 related to CAM.

### COMPLIANCE ASSURANCE MONITORING (CAM) APPLICABILITY

CAM applies to each unit that has a standard or an emission limit in an applicable requirement, uses a control device to meet the standard or emission limit, and has pre-controlled emissions greater than Title V major source thresholds. The ammonia scrubber (EPN 1) is used for SO<sub>2</sub> abatement, both uncontrolled and controlled SO<sub>2</sub> emissions are greater than major source threshold. Therefore, CAM is required for this scrubber.

### OTHER CHANGE

As shown in the Consent Decree 2:07CV134WL, SO<sub>2</sub> is not subject to 40 CFR Part 60, Subpart H until 1/1/2009. Rhodia is requesting to add a special condition like the follows:

Per consent decree 2:07CV134WL, Baytown Facility (PRO-REGEN and 1) at the Rhodia, Baytown Plant become applicable to the consent decree or NSPS H for SO<sub>2</sub> and opacity whichever is more stringent on 01/01/2009 (~~to NSR Permit 9565~~). Interim emission limits are contained in NSR permits 9565. On or before those dates the Rhodia, Baytown Plant will submit permit revisions to update applicability.

For NSR Permit 9565

Rhodia, Inc.  
Baytown Plant  
Title V Minor Revision

Trinity Consultants  
074402.0027  
February 2008

## **2. TCEQ FORMS**

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**OP-2**  
**OP-CRO1**  
**OP-ACPS**  
**OP-SUMR**  
**OP-UAXX**  
**OP-MON**  
**OP-REQ1 (PAGE 35 AND 36)**  
**OP-REQ3**



**Application for Permit Revision/Renewal  
Form OP-2  
Federal Operating Permit Program**

Table 1

Date: 02/12/2008	Account No.: HG-0696-Q	Permit No.: O-01610
Area Name: Baytown Plant		

I. Application Type							
Significant Revision		Administrative Revision		Streamlined Revision	X	Revision Requesting Prior Approval	
Renewal		Response to Reopening					

II. Qualification Statement		
For SOP Revisions Only	The referenced changes qualify for the marked revision type (YES or NO)	YES
For GOP Revisions Only	The permitted area continues to qualify for a GOP (YES or NO)	N/A

Revision No.	Revision Code	Unit/Group/Process			Description of change
		New Unit	ID No.	Applicable Form	
1	MS-C	NO	1	OP-UA43	Based on Consent Decree, SO2 and opacity from this unit is not subject to 40 CFR Part 60, Subpart H until 1/1/2009.
2	MS-C	NO	PRO-REGEN	OP-UA43	Based on Consent Decree, SO2 and opacity from this unit is not subject to 40 CFR Part 60, Subpart H until 1/1/2009.

*lc 2/20/08*



**Application for Permit Revision/Renewal  
Form OP-2  
Federal Operating Permit Program**

**Table 2**

<b>Date:</b> 02/12/2008	<b>Account No.:</b> HG-0696-Q	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant		

<b>I. SIGNIFICANT REVISION ONLY</b>	
<b>A. Is the site subject to bilingual requirements pursuant to 30 TAC § 122.322? (YES or NO)</b>	
<b>B. Indicate the alternate language(s) in which public notice is required:</b>	
<b>C. Will there be changes in emission levels of any air pollutants as a result of this significant revision? (YES or NO)</b>	
<b>D. Indicate the pollutant(s) that are changing and a brief description of the change in pollutant emissions for each pollutant:</b>	
<b>Pollutant</b>	<b>Description of the Change in Pollutant Emissions</b>
<b>II. FEE INFORMATION</b>	
<b>A. Has the applicant paid emissions fees for the most recent agency fiscal year (September 1-August 31)? (YES, NO, or NA)</b>	<b>YES</b>
<b>III. DELINQUENT FEES AND PENALTIES</b>	
<p>Notice: This form will not be processed until all delinquent fees and/or penalties owed TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the "Delinquent Fee and Penalty Protocol." For more information regarding Delinquent Fees and penalties, go to the TCEQ web site at: <a href="http://www.tceq.state.tx.us/agency/delin/index.html">www.tceq.state.tx.us/agency/delin/index.html</a>.</p>	

TCEQ 10059[Revised 08/06] OP-2 - Application For Permit Revision/Renewal  
This form is for use by sources subject to air quality permit requirements and may be revised periodically. (APDG 5722 v1)

*2/20/08*





**Form OP-CRO1  
Certification by Responsible Official  
Federal Operating Permit Program**

All initial permit application, revision, renewal, and reopening submittals requiring certification must be addressed using this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications, other than public notice verification materials, must be certified prior to authorization of public notice or start of public announcement. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

<b>I. IDENTIFYING INFORMATION</b>		
A. RN: 100211317	B. CN: 600125330	C. Account No.: HG-0696-Q
D. Permit No.: O-01610	E. Project No.:	
F. Area Name: Baytown Plant		
G. Company Name: Rhodia Inc.		
<b>II. CERTIFICATION TYPE</b> <i>(Please mark the appropriate box)</i>		
A. <input type="checkbox"/> Responsible Official:	B. <input checked="" type="checkbox"/> Duly Authorized Representative:	
<b>III. SUBMITTAL TYPE</b> <i>(Place an "X" in the appropriate box) (Only one response can be accepted per form)</i>		
<input type="checkbox"/> SOP/TOP Initial Permit Application	<input type="checkbox"/> Update to Permit Application	
<input type="checkbox"/> GOP Initial Permit Application	<input checked="" type="checkbox"/> Permit Revision, Renewal, or Reopening	
<input type="checkbox"/> Other: _____		
<b>IV. CERTIFICATION OF TRUTH</b>		
This certification does not extend to information which is designated by the TCEQ as information for reference only.		
I, <u>Al Semaan</u> , certify that I am the <u>DAR</u> for this application <i>(Certifier Name printed or typed) (RO or DAR)</i>		
and that, based on information and belief formed after reasonable inquiry, the statements and information dated during the time period in Section IV.A below, or on the specific date(s) in Section IV.B below, are true, accurate, and complete:		
<i>Note: Enter EITHER a Time Period OR Specific Date(s) for each certification. This section must be completed. The certification is not valid without documentation date(s).</i>		
A. Time Period: From _____ to _____ <i>Start Date* End Date*</i>		
OR		
B. Specific Dates: <u>2/14/08</u> <i>Date 1* Date 2* Date 3* Date 4* Date 5* Date 6* Date 7* Date 8*</i>		
<i>*The Time Period option may only be used when the "Submittal Type" is 'Update to Permit Application' and there are multiple uncertified submittals; or a submittal package has multiple dates recorded in the documentation. Do not use the Time Period option if the "Submittal Type" is 'Other.'</i>		
Signature:	Signature Date: <u>2/14/08</u>	
Title: <u>Plant Manager</u>		

*2/20/08*



**Texas Natural Resource Conservation Commission  
Texas Federal Operating Permit Form  
OP-ACPS (Part 1)  
Application Compliance Plan and Schedule**

Account No.	HG-0696-Q	Date	02/12/2008
Permit Name	Baytown Plant O-01610		
Company Name	Rhodia Inc.		

**Note:** Words in *italics* in this form have specific meanings as defined in Regulation XII (30 TAC 122).

The *Responsible Official* certifies to the information contained in this form in accordance with 30 TAC 122.132(e)(9) utilizing form OP-CRO1 (Certification by Responsible Official).

<b>I. Compliance Plan Section: Future Activity Committal Statement</b>	
A. The <i>Responsible Official</i> commits, utilizing reasonable effort, to the following:	
As the responsible official it is my intent that all emission units shall continue to be in compliance with all applicable requirements they are currently in compliance with, and all emission units shall be in compliance by the compliance dates with any applicable requirements that become effective during the permit term.	

II. Compliance Certification Section: Statements for Those Units in Compliance* (Indicate response by placing a 'x' in the appropriate column for each of the following questions)	Response	
	Yes	No
A. With the exception of those emission units listed in the Compliance Schedule section of this form and based, at a minimum, on the compliance method specified in the associated applicable requirements, are all emission units addressed in this application in compliance with all their respective <i>applicable requirements</i> as identified in this application?	X	
* For Site Operating Permits, the completed application, particularly the OP-REQ series of forms should be consulted for <i>applicable requirements</i> and their corresponding emission units when assessing compliance status. General Permits applicants should consult the application documentation, particularly OP-REQ1 and the appropriate requirements of the General Permits portion of Regulation XII (30 TAC 122). Compliance should be assessed based, at a minimum, on the required monitoring, testing, record keeping, and/or reporting requirements, as appropriate, associated with the applicable requirement in question.		
B. Are there any emission units or issues listed in the Compliance Schedule Section below?		X
C. If the answer to question II.B is "Yes", indicate the total number of pages included in this form (information only)		

<b>III. Compliance Schedule Section: Identification of Noncompliance and the Associated Schedule to Achieve Compliance</b>
If there are noncompliance situations ongoing at time of application, then complete a separate OP-ACPS Part 2 for each separate situation. See the instructions for this form for details.
If there are no noncompliance situations ongoing at time of application, then this section is not required to be completed.



**Texas Natural Resource Conservation Commission**  
**Texas Federal Operating Permit Form**  
**OP-ACPS (Part 2)**  
**Application Compliance Plan and Schedule**

<b>Account No.</b>	HG-0696-Q	<b>Date</b>	02/12/2008
<b>Permit Name</b>	Baytown Plant O-01610		
<b>Company Name</b>	Rhodia Inc.		

<b>III. Compliance Schedule Section (Details)</b>					
<b>A. Identification of Specific Situation of Noncompliance</b>					
Unit/Group/Process		Seq No	Pollutant	Applicable Regulatory Requirement	
ID No.	Type			Citation	Text Description
<b>B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details</b>					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description			
<b>C. Brief Description of the Noncompliance Situation</b>					
<b>D. Brief Description of Corrective Action Plan</b>					
<b>E. List of Activities/Milestones to Implement the Corrective Action Plan</b>					
1					
<b>F. Previously Submitted Compliance Plan(s)</b>			<b>Type of Action</b>	<b>Date Submitted</b>	
			N/A	N/A	
<b>G. Schedule for Submitting Progress Reports</b>					



**Form OP-SUMR**  
**Individual Unit Summary for Revisions (Page 1)**  
**Federal Operating Permit Program**

Date: 02/12/2008	Account No.: HG-0696-Q	RN: 100211317	Permit No.: O-01610
Area Name: Baytown Plant			

Unit						Preconstruction Authorizations	
Unit AI	Revision Number	ID No.	Applicable Form	Name/Description	CAM	30 TAC Chapter 116/ 30 TAC Chapter 106	Title I
	1	1	OP-UA43	Scrubber Exhaust	Y	NSR-9565	
	2	PRO-REGEN	OP-UA43	Sulfuric Acid Production		NSR-9565	

KL



Texas Commission on Environmental Quality  
Sulfuric Acid Production Attributes  
Form OP-UA43 (Page 1)  
Federal Operating Permit Program

Table 1: Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60)  
Subpart H: Standards of Performance for Sulfuric Acid Plants

Account No.: HG-0696-Q	Date: 02/12/2008	Project No.:
Area Name: Baytown Plant		

Process ID No.	SOP Index No.	Construction/Modification Date	Process Design	Emission Rate	Optional Procedures
PRO-REGEN	60H-001	71+	NO		
1	60H-001	71+	NO		

*ll*



Texas Commission on Environmental Quality  
Sulfuric Acid Production Attributes  
Form OP-UA43 (Page 2)  
Federal Operating Permit Program

Table 2: Title 30 Texas Administrative Code Chapter 112 (30 TAC Chapter 112)  
Control of Air Pollution from Sulfur Compounds (Sulfuric Acid Production)

Account No.: HG-0696-Q	Date: 02/12/2008	Project No.:
Area Name: Baytown Plant		

Process ID No.	SOP Index No.	Facility Type	Effective Stack Height	Production Capacity	Facility Use
PRO-REGEN	REG2-002	SULFCON	NO	300+	YES
1	REG2-002	SULFCON	NO	300+	YES

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**Monitoring Requirements  
Form OP-MON (Page 2)  
Federal Operating Permit Program**

CAM-SS-009 <sup>PH</sup>  
CAM-SS-010 <sup>liquid flowrate</sup>

Table 1c: CAM/PM Case-By-Case Additions

I. IDENTIFYING INFORMATION			
A. Account No.: HG-0696-Q		B. RN No.: RN100211317	
D. Permit No.: O-01610		E. Project No.:	
		F. Area Name: Baytown Plant	
G. Company Name: Rhodia Inc.			
II. UNIT/EMISSION POINT/GROUP/PROCESS INFORMATION			
A. Revision No.: 1		B. Unit/EPN/Group/Process ID No.: 1	
		C. Applicable Form: OP-UA43	
III. APPLICABLE REGULATORY REQUIREMENT			
A. Name: 30 TAC Chapter 112, CONTROL OF AIR POLLUTION FROM SULFUR COMPOUNDS		B. SOP Index No.: REG2-002	
C. Pollutant: SO2		D. Main Standard: §112.6	
E. Monitoring Type: CAM		F. Unit Size: LG	
G. Deviation Limit: Minimum pH is 4.5; Minimum liquid flow rate is 650 gallons/minute.			
IV. CONTROL DEVICE INFORMATION			
A. Device ID No.: Ammonia Scrubber		B. Device Type: SO2SCR	
V. CAM CASE-BY-CASE			
A. Indicator: 1 pH 2 Liquid flow rate		B. Minimum Frequency: 4 times/hour	
		C. Averaging Period: one hour	
D. QA/QC Procedures:		<p><u>For pH:</u> Each monitoring device shall be cleaned with an automatic cleaning system, or cleaned weekly using hydraulic, chemical, or mechanical cleaning. Each monitoring device shall be calibrated at a frequency in accordance with the manufacturer's specifications, other written procedures that provide an adequate assurance that the device is calibrated accurately, or at least weekly, whichever is more frequent, and shall be accurate to within <math>\pm 0.5</math> pH unit.</p> <p><u>For liquid flow rate:</u> Each monitoring device shall be calibrated at a frequency in accordance with the manufacturer's specifications, other written procedures that provide an adequate assurance that the device is calibrated accurately, or at least annually, whichever is more frequent, and shall be accurate to within one of the following:</p> <ul style="list-style-type: none"> <li>• <math>\pm 2\%</math> of span; or</li> <li>• <math>\pm 5\%</math> of design liquid flow rate.</li> </ul>	
E. Verification Procedures:		<p>A minimum pH shall be established using the most appropriate of the following: the most recent performance test data, manufacturer's recommendations, engineering calculations, and/or historical data.</p> <p>A minimum liquid supply pressure shall be established using the most appropriate of the following: the most recent performance test data, the manufacturer's recommendations, engineering calculations, and/or historical data.</p>	
F. Representative Data:		<p>Quality-assured (or valid) data must be generated when the facility generating emissions are operating except during the performance of a daily zero and span check. Loss of valid data due to periods of monitor break down, out-of-control operation (producing inaccurate data), repair, maintenance, or calibration may be exempted provided it does not exceed 5 percent of the time (in hours) that the facility generating emissions operated over the previous rolling 12-month period. The measurements missed shall be estimated using engineering judgment and the methods used recorded.</p>	
VI. PERIODIC MONITORING CASE-BY-CASE			
A. Indicator:		B. Minimum Frequency:	
		C. Averaging Period:	

D. Periodic Monitoring Text:

**Table 1d: CAM/PM Case-by-Case Control Device Additions**

EMISSION UNIT			CONTROL DEVICE			
1	A. Unit ID No.:	1	B. Device ID No.:	Ammonia Scrubber	C. Device Type:	SO2SCR
2	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
3	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	





**Texas Commission on Environmental Quality**  
**Application Area-Wide Applicability Determinations and General Information**  
**Form OP-REQ1 (Page 35)**  
**Federal Operating Permit Program**

Date: 2/12/2008	RN No.: RN100211317	Permit No.: O-01610
Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*

◆ *For GOP applications, answer ONLY these questions unless otherwise directed.*

XI. MISCELLANEOUS (continued)	YES	NO	N/A
<b>J. Title 30 TAC Chapter 101, Subchapter H (continued)</b>			
◆ 3. The applicant has or will generate discrete emission reductions to be credited in the TCEQ Emissions Banking and Trading Program.			
◆ 4. The application area is located at a site in the Houston/Galveston/Brazoria nonattainment area where the facilities have a collective uncontrolled design capacity to emit 10 tpy or more of NOx.			
◆ 5. The application area includes an electric generating facility permitted under 30 TAC Chapter 116, Subchapter I.			
◆ 6. The application area is located at a site in the Houston/Galveston/Brazoria nonattainment area and the site has a potential to emit more than 10 tpy of highly-reactive volatile organic compounds (HRVOC) from facilities covered under 30 TAC Chapter 115, Subchapter H, Divisions 1 and 2.			
◆ 7. The application area is located at a site in the Houston/Galveston/Brazoria nonattainment area, the site has a potential to emit 10 tpy or less of HRVOC from covered facilities and the applicant is opting to comply with the requirements of 30 TAC Chapter 101, Subchapter H, Division 6, Highly Reactive VOC Emissions Cap and Trade Program.			
<b>K. Periodic Monitoring</b>			
◆ 1. The applicant or permit holder is submitting or has previously submitted at least one periodic monitoring proposal described on Form OP-MON.			
<b>L. Compliance Assurance Monitoring</b>			
◆ 1. The application area includes at least one unit with a pre-control device potential to emit greater than or equal to the amount in tons per year required in a site classified as a major source. <i>If the response to Question XI.L.1. is "NO," go to Section XII.</i>	X		
◆ 2. The unit or units defined by XI.L.1 are using a control device to comply with an applicable requirement. <i>If the response to Question XI.L.2. is "NO," go to Section XII.</i>	X		
◆ 3. The permit holder has submitted a CAM proposal on Form OP-MON in a previous application.	X	X	
◆ 4. The owner/operator or permit holder is submitting a CAM proposal on Form OP-MON according to the deadlines for submittals in 40 CFR § 64.5 in this application.	X		
5. The owner/operator or permit holder is submitting a CAM implementation plan and schedule to be incorporated as enforceable conditions in the permit.		X	
6. Provide the unit identification numbers for the units for which the applicant is submitting a CAM implementation plan and schedule in the space below.			

*19*



**Texas Commission on Environmental Quality**  
**Application Area-Wide Applicability Determinations and General Information**  
**Form OP-REQ1 (Page 36)**  
**Federal Operating Permit Program**

Date: 2/12/2008	RN No.: RN100211317	Permit No.: O-01610
Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*

◆ *For GOP applications, answer ONLY these questions unless otherwise directed.*

XI. MISCELLANEOUS (continued)			
L. Compliance Assurance Monitoring (continued)	YES	NO	N/A
◆ 7. At least one unit defined by XI.L.1. and XI.L.2. is using a CEMS, COMS or PEMS meeting the requirements of 40 CFR § 64.3(d)(2).	X		
◆ 8. All units defined by XI.L.1. and XI.L.2. are using a CEMS, COMS or PEMS meeting the requirements of 40 CFR § 64.3(d)(2). <i>If the response to Question XI.L.8. is "YES," go to Section XII.</i>	X		
◆ 9. The CAM proposal as described by question XI.L.3. or XI.L.4. addresses particulate matter or opacity.			
◆ 10. The CAM proposal as described by question XI.L.3. or XI.L.4. addresses VOC.			
◆ 11. The control device in the CAM proposal as described by question XI.L.3. or XI.L.4. has a bypass.			
XII. NEW SOURCE REVIEW (NSR) AUTHORIZATIONS			
A. Waste Permits with Air Addendum	YES	NO	N/A
◆ 1. The application area includes a Municipal Solid Waste Permit or an Industrial Hazardous Waste with an Air Addendum. <i>Note: If the answer to XII.A.1. is "YES," include the waste permit numbers in Section XII.J.</i>			
B. Air Quality Standard Permits	YES	NO	N/A
◆ 1. The application area includes at least one Air Quality Standard Permit NSR authorization. <i>If the response to XII.B.1 is "NO," go to Section XII.C. If the response to XII.B.1 is "YES," be sure to include the standard permit's registration numbers in Section XII.H, and answer XII.B.2 - B.11 as appropriate.</i>			
◆ 2. The application area includes at least one "Pollution Control Project" Air Quality Standard Permit NSR authorization.			
◆ 3. The application area includes at least one "Modification of Oil and Gas Facilities" Air Quality Standard Permit NSR authorization.			
◆ 4. The application area includes at least one "Municipal Solid Waste Landfill" Air Quality Standard Permit NSR authorization under 30 TAC § 116.621.			
◆ 5. The application area includes at least one "Municipal Solid Waste Landfill Facilities and Transfer Stations" Standard Permit authorization under 30 TAC Chapter 330, Subchapter U.			
6. The application area includes at least one "Concrete Batch Plant" Air Quality Standard Permit NSR authorization.			
7. The application area includes at least one "Concrete Batch Plant with Enhanced Controls" Air Quality Standard Permit NSR authorization.			

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**Applicable Requirements Summary  
Form OP-REQ3 (Page 1)  
Federal Operating Permit Program**

**Table 1a: Additions**

<b>Date</b>	2/12/2008	<b>Account No:</b>	HG-0696-Q	<b>Permit No:</b>	O-01610
<b>Area Name:</b>	Baytown Plant				

Revision No.	Unit/Group/Process		SOP/GOP Index No.	Pollutant	Applicable Regulatory Requirement		
	ID No.	Applicable Form			Name	Standard(s)	Version Code
1	1	OP-UA43	60H-001	SO2	40 CFR Part 60, Subpart H	See Special Terms and Conditions	
1	1	OP-UA43	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	
1	1	OP-UA43	60H-001	PM(OPACITY)	40 CFR Part 60, Subpart H	See Special Terms and Conditions	
2	PRO-REGEN	OP-UA43	60H-001	SO2	40 CFR Part 60, Subpart H	See Special Terms and Conditions	
2	PRO-REGEN	OP-UA43	60H-002	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	
2	PRO-REGEN	OP-UA43	60H-003	PM(OPACITY)	40 CFR Part 60, Subpart H	See Special Terms and Conditions	

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**Applicable Requirements Summary  
Form OP-REQ3 (Page 1)  
Federal Operating Permit Program**

**Table 1b: Additions**

<b>Date</b> 02/12/2008	<b>Account No:</b> HG-0696-Q	<b>Permit No:</b> O-01610
<b>Area Name:</b> Baytown Plant		

Revision No.	Unit/Group/Process ID No.	SOP/GOP Index No.	Pollutant	Version Code	Monitoring and Testing Requirement	Recordkeeping Requirements	Reporting Requirements
1	1	60H-001	SO2		See Special Terms and Conditions	See Special Terms and Conditions	See Special Terms and Conditions
1	1	60H-001	H2SO4		§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	none	none
1	1	60H-001	PM(OPACITY)		See Special Terms and Conditions	See Special Terms and Conditions	See Special Terms and Conditions
2	PRO-REGEN	60H-001	SO2		See Special Terms and Conditions	See Special Terms and Conditions	See Special Terms and Conditions
2	PRO-REGEN	60H-001	H2SO4		§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	none	none
2	PRO-REGEN	60H-001	PM(OPACITY)		See Special Terms and Conditions	See Special Terms and Conditions	See Special Terms and Conditions

*KL*

**3. CONSENT DECREE**

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Rhodia, Inc.  
Baytown Plant  
Title V Minor Revision

Trinity Consultants  
074402.0027  
February 2008

FILED

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

2007 APR 26 AM 11:20

STEPHEN R. LUDWIG, CLERK  
U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT  
OF INDIANA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RHODIA INC., )  
 )  
Defendant. )

CIVIL ACTION NO: 2:07CV134WL

NOTICE OF LODGING OF CONSENT DECREE

Plaintiff, the United States of America, notifies the Court and the parties that at the same time it is filing its Complaint in this action, it is lodging a consent decree that would resolve the violations alleged in the Complaint. A copy of the Consent Decree executed by all of the parties is attached as Exhibit 1 to this Notice of Lodging.

Pursuant to Department of Justice regulation, 28 C.F.R. § 50.7, the proposed consent decree must be subject to public comment before it is entered by the Court. Accordingly, the Court should refrain from entering the proposed consent decree at this time.

The United States will publish notice of the proposed consent decree in the Federal Register and solicit public comment for a period of thirty days. After receiving public

comments, the United States will consider whether the comments disclose facts or considerations which indicate that the proposed consent decree is inappropriate, improper, or inadequate. If so, the United States will withdraw its consent to the proposed consent decree; if not, the United States will move the Court for entry of the proposed partial consent decree.

The United States will notify the Court and the parties when the comment period expires.

Respectfully submitted,

MATTHEW J. McKEOWN  
Acting Assistant Attorney  
General  
Environment and Natural  
Resources Division  
U.S. Department of Justice



CYNTHIA A. KING  
Special Trial Attorney  
U.S. Environmental Protection  
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JOSEPH S. VAN BOKKELEN  
United States Attorney  
Northern District of Indiana

*Wayne T. Ault*

---

WAYNE T. AULT  
Assistant United States Attorney  
Northern District of Indiana  
5400 Federal Plaza, Suite 1500  
Hammond, Indiana 46320



CERTIFICATE OF SERVICE

I, Cynthia A. King, do hereby certify that a copy of the Notice of Lodging of Consent Decree was sent by first class mail, to the following persons:

David Schnare  
U.S. Environmental Protection Agency Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Mailcode 2242A  
Washington D.C.. 20460

Jan Gerro  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Suite 1200  
Mailcode 6RCEA  
Dallas, TX 75202

Thomas P. Mintz  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
Mailcode ORC-2  
San Francisco, CA 94105

Steven D. Griffin  
Indiana Attorney General's Office  
302 West Washington Street, Fifth Floor  
Indianapolis, IN 46204

Thomas Nyhan  
Hammond Department of Environmental Management  
Hammond City Hall, Room 304  
5925 Calumet Avenue  
Hammond, IN 46320

Alexander Crockett  
Brian C. Bunger  
Bay Area Air Quality Management District  
Office of District Counsel  
939 Ellis Street  
San Francisco, CA 94109

Peggy M. Hatch  
Administrator, Enforcement Division  
Office of Environmental Compliance  
Louisiana Department of Environmental Quality  
P.O. Box 4312  
Baton Rouge, Louisiana 70821-4312

James J. Dragna, Esq.  
Bingham McCutchen LLP  
Suite 4400  
355 South Grand Avenue

Paul Linskey  
Rhodia Inc.  
CN 7500  
Cranbury, NJ 08512-7500

on the 26<sup>th</sup> day of april, 2007.

  
CYNTHIA A. KING

**EXHIBIT 1**

10-20-2011  
11:00 AM  
11:00 AM

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA, HAMMOND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

THE STATE OF INDIANA, THE  
CITY OF HAMMOND, THE STATE OF  
LOUISIANA, through THE DEPARTMENT  
OF ENVIRONMENTAL QUALITY, and  
THE PEOPLE OF THE STATE OF  
CALIFORNIA, by and through the,  
BAY AREA AIR QUALITY MANAGEMENT  
DISTRICT,

Plaintiff-Intervenors,

v.

RHODIA INC.

Defendant.

Civil Action No. \_\_\_\_\_

CONSENT DECREE

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WHEREAS, Plaintiff United States of America, on behalf of the United States Environmental Protection Agency (EPA), has filed a complaint concurrently with the lodging of this Consent Decree, alleging that Defendant Rhodia Inc. (Rhodia or Defendant), at one or all of its sulfuric acid plants in Baytown and Houston, Texas; Baton Rouge, Louisiana; Dominguez and Martinez, California; and Hammond, Indiana; has violated:

(1) Prevention of Significant Deterioration Requirements found at Part C of Subchapter I of the Clean Air Act (the Act), 42 U.S.C. § 7475, and the regulations promulgated thereunder at 40 C.F.R. Section 52.21; and "Plan Requirements for Non-Attainment Areas" at Part D of Subchapter I of the Act, 42 U.S.C. §§ 7502-7503, and the regulations promulgated thereunder at 40 C.F.R. § 51.165, 40 C.F.R. Part 51 Appendix S, and 40 C.F.R. § 52.24 (collectively, PSD/NSR Requirements);

(2) New Source Performance Standards (NSPS) found at 40 C.F.R. Part 60, Subparts A and H, promulgated under Section 111 of the Act, 42 U.S.C. § 7411, for sulfuric acid plants (collectively, NSPS Requirements);

(3) Title V operating permit requirements found at Sections 501 to 507 of the Act, 42 U.S.C. §§ 7661-7661f, and regulations promulgated thereunder at 40 C.F.R. Parts 70 and 71

(collectively, Title V Requirements); and

(4) the federally-enforceable State Implementation Plans (SIPs) and other state rules developed by the states of California, Indiana, Louisiana and Texas, which incorporate or implement the above requirements and which establish federally enforceable permitting programs for construction and operation of new and modified sources (collectively, SIP Requirements);

WHEREAS, the State of Indiana, the State of Louisiana, and the Bay Area Air Quality Management District in California have alleged violations of their respective applicable SIP provisions and other state and local rules, regulations, and permits incorporating and/or implementing the foregoing federal requirements;

WHEREAS, the Complaint against Rhodia alleges that Rhodia constructed, reconstructed or modified its sulfuric acid plants without obtaining the proper permits; installing the required control technology; or complying with emission limits, monitoring, record-keeping and reporting requirements of the Act;

WHEREAS, Rhodia has agreed to install controls that will achieve Best Available Control Technology (BACT) equivalent emission levels at its sulfuric acid plants and to implement

best work practices at its sulfuric acid plants;

WHEREAS, Rhodia does not admit any liability to the United States or any of the States arising out of the acts or omissions alleged in the Complaint and this Consent Decree resolves all allegations stated in the United States' and State Parties' Complaints;

WHEREAS, the Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith, will avoid litigation among the Parties and that this Consent Decree is fair, reasonable, and in the public interest;

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Section I, below, and with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Section 113(b) of the Act, 42 U.S.C. § 7413(b), and over the Parties. Venue lies in this District pursuant to the Act Section 113(b), 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1391(b)



and (c) and 1395(a), because some of the violations alleged in the Complaint are alleged to have occurred in, and Defendant conducts business in, this judicial district. For purposes of this Decree, or any action to enforce this Decree, Defendant consents to the Court's jurisdiction over this Decree or such action and over Defendant and consents to venue in this judicial district.

2. For purposes of this Consent Decree, Defendant agrees that the Complaint and the State Parties' Complaints in Intervention state claims upon which relief may be granted pursuant to Sections 111, 165, 173, and 502 of the Act, 42 U.S.C. §§ 7411, 7475, 7503, 7661a.

3. Notice of the commencement of this action has been given to the States of Indiana, Louisiana, and Texas; the Bay Area Air Quality Management District; and the South Coast Air Quality Management District, as required by Section 113 of the Act, 42 U.S.C. § 7413.

## II. APPLICABILITY

4. The obligations of this Consent Decree apply to and are binding upon the United States and the State Parties, and upon Defendant and its officers, employees, agents, subsidiaries, successors, assigns, or other entities or persons

otherwise bound by law.

5. No transfer of ownership or operation of any of the Facilities, whether in compliance with the procedures of this Paragraph or otherwise, shall relieve Defendant of its obligation to ensure that the terms of the Decree are implemented. At least 30 days prior to such transfer, Defendant shall provide a copy of this Consent Decree to the proposed transferee and shall simultaneously provide written notice of the prospective transfer to the EPA Region and the relevant State Party, the United States Attorney for the Northern District of Indiana, Hammond Division, and the United States Department of Justice, in accordance with Section XIV of this Decree (Notices). Any attempt to transfer ownership or operation of a sulfuric acid plant without complying with this Paragraph constitutes a violation of this Decree.

6. In any action to enforce this Consent Decree, Defendant shall not raise as a defense the failure by any of its officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this Consent Decree provided, however, that nothing in this Paragraph limits the operation of the Force Majeure provision (Section IX).

III. DEFINITIONS

7. Terms used in this Consent Decree that are defined in the Act or in federal and state regulations promulgated pursuant to the Act shall have the meanings assigned to them in the Act or such regulations, unless otherwise provided in this Decree. Whenever the terms set forth below are used in this Consent Decree, the following definitions shall apply:

- a. "Acid mist" shall mean the pollutant sulfuric acid mist;
- b. "BACT" shall mean Best Available Control Technology, as defined at 40 C.F.R. § 52.21(b)(12);
- c. "Baytown" shall mean Rhodia's sulfuric acid plant located at 3439 Park Street, Baytown, Texas 77520;
- d. "Baton Rouge #1 and #2" shall mean Rhodia's two sulfuric acid plants located at 1275 Airline Highway, Baton Rouge, Louisiana 70805;
- e. "CEMS" or "Continuous Emission Monitoring System" shall mean equipment that continuously measures and records the concentration and/or emission rate of a pollutant, in the units specified by the emission limit concerned;
- f. "Complaint" shall mean the complaint filed by the United States, and the Complaints in Intervention filed by the

State Parties;

g. "Consent Decree" or "Decree" shall mean this Decree and all appendices attached hereto (listed in Section XXIII), but in the event of any conflict between the text of this Decree and any Appendix, the text of this Decree shall control;

h. "Day" shall mean a calendar day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or federal or State holiday, the period shall run until the close of business of the next business day;

i. "Defendant" shall mean Rhodia Inc.;

j. "Dominguez" shall mean Rhodia's sulfuric acid plant located at 20720 S. Wilmington Avenue, Carson, California 90810;

k. "Effective Date" with respect to any emission limit required by this Consent Decree shall mean the date beginning upon which Defendant is required to comply with such emission limit. With respect to the Consent Decree as a whole, "effective date" shall have the meaning given in Paragraph 74;

l. "EPA" shall mean the United States Environmental Protection Agency and any of its successor departments or

agencies;

m. "Facilities" shall mean Rhodia's Baytown, Baton Rouge #1 and #2, Dominguez, Hammond, Houston #2 and #8, and Martinez sulfuric acid plants;

n. "Hammond" shall mean Rhodia's sulfuric acid plant located at 2000 Michigan Street, Hammond, Indiana 46320;

o. "Houston #2 and #8" shall mean Rhodia's two sulfuric acid plants located at 8615 Manchester Street, Houston, Texas 77012;

p. "Long-Term Limit" shall mean a sulfur dioxide (SO<sub>2</sub>) emission limit for a sulfuric acid plant expressed as pounds per ton of 100% sulfuric acid produced ("lbs/ton"), averaged over all Operating Hours in a rolling 365-day period;

q. "Malfunction" shall mean, consistent with 40 C.F.R. § 60.2, any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner, but shall not include failures that are caused in part by poor maintenance or careless operation;

r. "Martinez" shall mean Rhodia's sulfuric acid plant located at 100 Mococo Road, Martinez, California 94553;

s. "100% sulfuric acid produced" shall mean the

stoichiometric quantity of sulfuric acid that would be produced at a sulfuric acid plant if all sulfur trioxide (SO<sub>3</sub>) exiting the converter were used to produce anhydrous sulfuric acid. For purposes of this definition, scrubber byproduct shall be considered to be included in "100% sulfuric acid produced";

t. "Operating Hours" shall mean periods during which sulfur or sulfur-bearing compounds, excluding conventional fossil fuels such as natural gas or fuel oils, are being fed to the furnace.

u. "Paragraph" shall mean a portion of this Decree identified by an Arabic numeral;

v. "Parties" shall mean the United States; the Bay Area Air Quality Management District; the States of Indiana and Louisiana; and Defendant;

w. "Section" shall mean a portion of this Decree identified by a roman numeral;

x. "Short-Term Limit" shall mean the SO<sub>2</sub> emission limit for each sulfuric acid plant expressed as pounds per ton of 100% sulfuric acid produced ("lbs/ton"), averaged over each rolling 3-hour period. Except for periods of Startup, Shutdown and Malfunction, the Short-Term Limits established under this Consent Decree shall apply at all times.

y. "Shutdown" shall mean the cessation of operation of a sulfuric acid plant for any reason. Shutdown begins at the time sulfur or sulfur-bearing feeds, excluding conventional fossil fuels such as natural gas or fuel oils, to the furnace ceases;

z. "SO<sub>2</sub>" shall mean the pollutant sulfur dioxide;

aa. "Startup" shall mean the 24-hour period at any sulfuric acid plant beginning when the feed of sulfur or sulfur-bearing materials, excluding conventional fossil fuels such as natural gas or fuel oils, to the furnace commences after a main gas blower shutdown;

bb. "State Parties" shall mean Indiana, Louisiana, and the Bay Area Air Quality Management District in California;

cc. "States" shall mean California, Indiana, Louisiana, and Texas;

dd. "Sulfuric acid plant" shall mean a process unit engaged in the production of sulfuric acid and related products using the contact process;

ee. "Ton" or "tons" shall mean short ton or tons;

ff. "United States" shall mean the United States of America, acting on behalf of EPA.

IV. CIVIL PENALTY

8. Defendant shall pay \$2,000,000 (two million dollars) as a civil penalty, together with interest accruing from the date on which the Consent Decree is entered with the Court, at the rate specified in 28 U.S.C. § 1961. Within 30 days after the effective date of this Consent Decree, payment of 50% of the civil penalty (\$1,000,000) shall be paid to the United States by FedWire Electronic Funds Transfer (EFT) to the U.S. Department of Justice in accordance with instructions to be provided to Defendant, following lodging of the Consent Decree, by the Financial Litigation Unit of the U.S. Attorney's Office for the Northern District of Indiana, Hammond Division. At the time of payment, Defendant shall simultaneously send written notice of payment and a copy of any transmittal documentation (which should reference DOJ case number 90-5-2-1-08500 and the civil action number of this case) to the United States in accordance with Section XIV of this Decree (Notices).

9. No amount of the civil penalty to be paid by Defendant shall be used to reduce its federal or State tax obligations.

10. Within 30 days after the effective date of this Consent Decree, Defendant shall pay the balance of the civil penalty (\$1,000,000) to the State Parties as follows:



a. \$333,333.50 to the State of Louisiana. Payment of the civil penalties and of any stipulated penalties owed to the State of Louisiana shall be made by certified check made payable to the Louisiana Department of Environmental Quality and sent to Darryl Serio, Fiscal Director, Office of Management and Finance, LDEQ, P.O. Box 4303, Baton Rouge, Louisiana 70821-4303;

b. \$66,666.50 to the State of Indiana. Civil and stipulated penalties owed to the State of Indiana are payable by check to the Environmental Management Special Fund. Checks shall include the Case Number 2006-15770-A and shall be mailed to Cashier - Mail Code 50-10C, Indiana Department of Environmental Management, 100 N. Senate Avenue, Indianapolis, IN 46204-2251. Any future civil and stipulated penalties owed by Rhodia to the State of Indiana shall be paid twenty percent (20%) to the State of Indiana and eighty percent (80%) to the City of Hammond;

c. \$266,666.50 to the City of Hammond. Civil and stipulated penalties owed to the City of Hammond are payable by check to the Hammond City Controller. Checks shall include the Case Number of this Action and shall be mailed to Hammond Department of Environmental Management, 5925 Calumet Avenue, Room 304, Hammond, IN 46320. Any future civil and stipulated

penalties owed by Rhodia to the State of Indiana shall be paid twenty percent (20%) to the State of Indiana and eighty percent (80%) to the City of Hammond; and

d. \$333,333.50 to the Bay Area Air Quality Management District. Payment of the civil penalties and of any stipulated penalties owed to the Bay Area Air Quality Management District shall be made by check made payable to the Bay Area Air Quality Management District and sent to Bay Area Air Quality Management District, Office of District Counsel, Brian C. Bunger, Esq., District Counsel, 939 Ellis Street, San Francisco, California 94109.

V. COMPLIANCE REQUIREMENTS

11. Emission Limits

a. Hammond: By the Effective Date specified in Paragraph 11.i., below, the Hammond sulfuric acid plant shall meet the following SO<sub>2</sub> emission limits:

i. A Long-Term Limit of 2.50 lbs/ton.  
Defendant shall commence monitoring as of the Effective Date.  
Defendant shall have until 365 days after the Effective Date to demonstrate compliance with this Long-Term Limit;

ii. A Short-Term Limit of 3.50 lbs/ton;

b. Martinez: By the Effective Date specified in

Paragraph 11.i., below, the Martinez sulfuric acid plant shall meet the following SO<sub>2</sub> emission limits:

- i. A Long-Term Limit of 2.20 lbs/ton.

Defendant shall commence monitoring as of the Effective Date. Defendant shall have until 365 days from the Effective Date to demonstrate compliance with this Long-Term Limit;

- ii. A Short-Term Limit of 3.00 lbs/ton.

c. Dominguez: By the Effective Date specified in Paragraph 11.i., below, the Dominguez sulfuric acid plant shall meet the following SO<sub>2</sub> emission limits:

- i. Comply with the applicable annual SO<sub>2</sub> allocation as determined by the South Coast Air Quality Management District's Regional Clean Air Incentives Market (RECLAIM), as defined in Regulation XX of the South Coast Air Quality Management District Rules;

- ii. A Short-Term Limit of 3.50 lbs/ton.

d. Houston #8: By the Effective Date specified in Paragraph 11.i., below, the Houston #8 sulfuric acid plant shall meet the following SO<sub>2</sub> emission limits:

- i. A Long-Term Limit of 1.70 lbs/ton.

Defendant shall commence monitoring as of the Effective Date. Defendant shall have until 365 days from the Effective Date to

demonstrate compliance with this Long-Term Limit;

ii. A Short-Term Limit of 3.00 lbs/ton.

e. Baytown Facility: By the Effective Date specified in Paragraph 11.i., the Baytown sulfuric acid plant shall meet the following SO<sub>2</sub> emission limits:

i. A Long-Term Limit of 2.20 lbs/ton.

Defendant shall commence monitoring as of the Effective Date. Defendant shall have until 365 days from the Effective Date to demonstrate compliance with this Long-Term Limit;

ii. A Short-Term Limit of 3.00 lbs/ton.

f. Baton Rouge #2: By the Effective Date specified in Paragraph 11.i., the Baton Rouge #2 sulfuric acid plant shall meet the following SO<sub>2</sub> emission limits:

i. A Long-Term Limit of 2.20 lbs/ton.

Defendant shall commence monitoring as of the Effective Date. Defendant shall have until 365 days from the Effective Date to demonstrate compliance with this Long-Term Limit;

ii. A Short-Term Limit of 3.00 lbs/ton.

g. Baton Rouge #1: Beginning on the Effective Date specified in Paragraph 11.i., the Baton Rouge #1 sulfuric acid plant shall meet the following SO<sub>2</sub> emission limits:

i. A Long-Term Limit of 1.90 lbs/ton.

Defendant shall commence monitoring as of the Effective Date.

Defendant shall have until 365 days from the Effective Date to demonstrate compliance with this Long-Term Limit;

ii. A Short-Term Limit of 3.00 lbs/ton.

h. Houston #2: Beginning on the Effective Date specified in Paragraph 11.i., the Houston #2 sulfuric acid plant shall meet the following SO<sub>2</sub> emission limits:

i. A Long-Term Limit of 1.80 lbs/ton.

Defendant shall commence monitoring as of the Effective Date.

Defendant shall have until 365 days from the Effective Date to demonstrate compliance with this Long-Term Limit;

ii. A Short-Term Limit of 3.00 lbs/ton.

i. Effective Dates for Emission Limits: The Effective Dates for each emission limit specified in Paragraph 11.a. through 11.h., are as follows:

i. Hammond: July 1, 2007

ii. Martinez: July 1, 2007

iii. Dominguez: July 1, 2007

iv. Baytown: January 1, 2009

v. Houston #8: July 1, 2009

vi. Baton Rouge #2: January 1, 2011

vii. Baton Rouge #1: May 1, 2012

viii. Houston #2: April 1, 2014.

j. NSPS Applicability: Not later than the Effective Date for achieving the applicable SO<sub>2</sub> emission limits specified in Paragraphs 11.a. through 11.i., each sulfuric acid plant shall be considered an affected facility for purposes of the New Source Performance Standard (NSPS) 40 C.F.R. Part 60, Subpart H. Not later than the applicable Effective Date, each sulfuric acid plant covered by this Consent Decree shall comply with all applicable requirements for affected facilities under the NSPS 40 C.F.R. Part 60, Subparts A and H, or the Consent Decree if more stringent. Notices and other obligations set forth in this Consent Decree shall be deemed to satisfy all applicable initial notification and compliance demonstration requirements of NSPS Subparts A and H.

k. Acid Mist Limits: Not later than the effective date of this Consent Decree, each of the sulfuric acid plants shall comply with the NSPS, Subpart H sulfuric acid mist emission limitation of 0.15 lbs/ton of 100% sulfuric acid produced, as set forth at 40 C.F.R. § 60.83(a)(1). Compliance with this limit is to be demonstrated using the performance test required by paragraph 14 of this Consent Decree.

l. Best Practices: Consistent with 40 C.F.R.

§ 60.11(d), at all times, including periods of Startup, Shutdown, and Malfunction, Defendant shall, to the extent practicable, maintain and operate each of its sulfuric acid plants, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.

m. Scrubber Design: All new scrubbers installed pursuant to this Consent Decree and used for SO<sub>2</sub> control at any of the sulfuric acid plants shall be designed to achieve at least 95% removal efficiency, except during periods of Startup, Shutdown and Malfunction.

12. Interim Emission Limits: Upon the effective date of this Consent Decree and until the Effective Date of the SO<sub>2</sub> emission limits specified in Paragraph 11.d., 11.f., 11.g., 11.h., for the Houston # 8, Baton Rouge #2, Baton Rouge #1, and Houston #2 sulfuric acid plants, Defendant shall comply with an interim SO<sub>2</sub> emission limit at each of these sulfuric acid plants. The interim SO<sub>2</sub> emission limit for each of these sulfuric acid plants shall be the permit limit in place at the time of the effective date of this Consent Decree or the currently applicable State Implementation Plan emission limit for SO<sub>2</sub>, whichever is more stringent.

13. Continuous Emissions Monitoring System:

a. At each of its sulfuric acid plants, no later than the Effective Date of each SO<sub>2</sub> emission limit established under Paragraph 11.a. through 11.i., Defendant shall install and make operational a SO<sub>2</sub> continuous emissions monitoring system (CEMS). Except during CEMS breakdowns, repairs, calibration checks, and zero span adjustments, the CEMS shall be operated during all sulfuric acid plant Operating Hours, and shall be used at each sulfuric acid plant to demonstrate compliance with the SO<sub>2</sub> emission limits established in Paragraph 11 of this Consent Decree. The SO<sub>2</sub> CEMS shall meet the following requirements:

i. The SO<sub>2</sub> CEMS shall monitor and record the 3-hour arithmetic average (not weighted by production volume) SO<sub>2</sub> emission rate from each sulfuric acid plant in units of lbs per ton of 100% acid produced;

ii. Except for the Dominguez facility, the SO<sub>2</sub> CEMS shall monitor and record the SO<sub>2</sub> emission rate from each sulfuric acid plant averaged (arithmetic average, not weighted by production volume) over all Operating Hours in each rolling 365-day period in units of lbs per ton of 100% acid produced;  
and



iii. The CEMS shall be installed, certified, calibrated, maintained, and operated in accordance with the applicable requirements of 40 C.F.R. §§ 60.11, 60.13, Part 60, Appendix B Performance Specification 2, and Part 60 Appendix F Procedure 1, except as otherwise provided in this Consent Decree or as provided in the approved Alternative Monitoring Plans described in Paragraph 13.b below. If an O<sub>2</sub> monitor is necessary, it shall meet 40 C.F.R. Part 60, Appendix B Performance Specification 3.

b. Defendant has submitted an Alternative Monitoring Plan for each of its Facilities that describes how Defendant proposes to implement the monitoring requirements of this Paragraph, including the methodology Defendant proposes to use to demonstrate compliance in the event of CEMS downtime lasting longer than 24 hours. Monitoring methods specified in this Consent Decree have been approved as appropriate alternative monitoring methods for purposes of NSPS, per 40 C.F.R.

§ 60.13(i). The Alternative Monitoring Plans are included as Appendix A. These plans supersede the corresponding SO<sub>2</sub> monitoring requirements of the NSPS and the applicable SO<sub>2</sub> monitoring requirements of the State Parties. Defendant shall implement the Alternative Monitoring Plans in the States of the

State Parties upon installation of the SO<sub>2</sub> CEMS at each of the sulfuric acid plants. In the States that are not State Parties (as well as in the South Coast Air Quality Management District), Defendant shall either reach agreement with those States to follow the Alternative Monitoring Plans in lieu of those States' SO<sub>2</sub> monitoring requirements, or else conduct SO<sub>2</sub> monitoring in compliance with those States' laws and regulations, in lieu of compliance with the Alternative Monitoring Plans.

c. Defendant shall take all steps necessary to avoid CEMS breakdowns and minimize CEMS downtime. This shall include, but is not limited to, operating and maintaining the CEMS in accordance with best practices and maintaining an on-site inventory of spare parts or other supplies necessary to make rapid repairs of the equipment.

d. In the event of CEMS downtime lasting longer than 24 hours, Defendant shall demonstrate compliance with the applicable emission limits in Paragraph 11 according to the procedures specified in the Alternative Monitoring Plans referenced in Paragraph 13.b. above.

14. Performance Testing

a. By no later than 120 days after the effective date of this Consent Decree, Defendant shall conduct an initial

performance test measuring the emission rate of sulfuric acid mist from each of its sulfuric acid plants in accordance with the applicable requirements of 40 C.F.R. Part 60 Appendix A, Reference Method 8 or such method that is approved by EPA. This performance test shall be used to demonstrate compliance with the acid mist emission limit established in Paragraph 11.k. and may serve as the NSPS performance test required under 40 C.F.R. § 60.8. Defendant shall take all steps necessary to assure accurate measurements of 100% sulfuric acid production during each test run.

b. By no later than 120 days after the Effective Date of any SO<sub>2</sub> emission limit established under Paragraph 11 of this Consent Decree, Defendant shall conduct a SO<sub>2</sub> performance test on the applicable sulfuric acid plant in accordance with the applicable requirements of 40 C.F.R. Part 60 Appendix A, Reference Method 8, and Part 60 Appendix B, Performance Specification 2. This test must consist of at least 9 reference method test runs and may serve as the CEMS relative accuracy test required under Performance Specification 2. If applicable, this test may also serve as the NSPS performance test required under 40 C.F.R. § 60.8. Defendant shall take all steps necessary to assure accurate measurements of 100% sulfuric acid

production during each test run.

c. Defendant shall notify the EPA Region and the State Party in which the sulfuric acid plant is located of its intent to conduct each performance test required by this Consent Decree, no later than 60 days before the performance test is conducted. This notification must include the scheduled date of the test, an emissions test protocol, a description of the planned operating rate and operating conditions, and the procedures that will be used to measure 100% sulfuric acid production. If EPA or the State Party requires any adjustment of the testing protocol or operating conditions, EPA or the State Party shall make a request for such adjustment no later than 30 days before the scheduled date of the performance test. Defendant shall make such adjustments and conduct the performance test in conformity with EPA's and the State's requirements.

d. Within the timeframe required by state and/or local provisions, but in any event, not to exceed 45 days after each performance test conducted in accordance with this Consent Decree, Defendant shall submit a report documenting the results of the performance test to the applicable EPA Region and State Party.

VI. PERMITS

15. Where any compliance obligation (including installation or construction of pollution control technology or equipment) under this Consent Decree requires Defendant to obtain a federal, state, or local permit or approval, Defendant shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals. Defendant may seek relief under the provisions of Section IX of this Consent Decree (Force Majeure) for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, including, but not limited to, any necessary air, water and hazardous waste construction and operating permits, if Defendant has submitted timely and complete applications and has taken all other actions necessary to obtain all such permits or approvals, including without limitation, submitting to the federal, state and/or local permitting authority all relevant and available information requested by such agency after its receipt of the permit application. Any failure by Defendant to submit timely permit applications shall bar any use of Section IX (Force Majeure) of this Consent Decree, where a force majeure claim is based on

permitting delays. The EPA Region and the State Party in which the sulfuric acid plant is located shall use best efforts to review expeditiously all permit applications submitted to meet the requirements of this Consent Decree.

16. Future Emission Limits and Standards: As soon as practicable, but no later than ninety (90) days after the relevant Effective Date listed in Paragraph 11.i, Defendant shall submit administratively complete applications to the applicable federal, state or local agency to incorporate that emission limit or standard into federally-enforceable minor or major new source review permits or other permits that will ensure that the underlying emission limit or standard survives the termination of this Consent Decree. In light of the Title V permitting program in the State of Louisiana, Defendant shall submit to LDEQ's consolidated Title V permitting program, under the time frame specified by the previous sentence, appropriate applications for revisions to its existing Sulfuric Acid Plant Title V permit to ensure that the emission limits and standards that become effective after the Entry Date shall survive the termination of this Consent Decree. Following submission of the complete permit applications (or, for Baton Rouge #1 and #2, following submission of appropriate applications for Title V

permit revisions), Defendant shall cooperate with the applicable federal, state or local agency by promptly submitting to the applicable agency all available information that the applicable agency seeks following its receipt of the permit materials.

Promptly upon issuance of such permits or in conjunction with such permitting, Defendant shall file any applications necessary to incorporate the requirements of those permits into the Title V permit for the relevant sulfuric acid plant. Nothing in this Section shall prevent Defendant from filing such applications for permits or permit revisions prior to the Effective Date.

17. Emission Limits and Standards: Prior to termination of the Consent Decree, the following Consent Decree requirements shall be incorporated into operating permits, including Title V operating permits, under Paragraph 16 and shall survive termination of the Consent Decree:

a. The SO<sub>2</sub> emission limits established in Paragraph 11 of this Consent Decree;

b. The acid mist emission limit established in Paragraph 11.k. of this Consent Decree;

c. The monitoring requirements established in Paragraph 13 of this Consent Decree including the requirement to meet the quality assurance procedures required by 40 C.F.R. Part

60 Appendix F or any alternative procedures specified in relevant alternative monitoring plans or State requirements as provided in Paragraph 13.b. above;

d. A requirement that the SO<sub>2</sub> and acid mist emission limits as defined herein shall not be relaxed; and

e. The applicability of 40 C.F.R. Part 60, Subparts A and H (or any alternative procedures specified in relevant alternative monitoring plans or State requirements as provided in Paragraph 13.b. above) to the Facilities.

18. Mechanism for Title V Incorporation: The Parties agree that the incorporation of the requirements of this Consent Decree into Title V permits shall be in accordance with state Title V rules, including applicable administrative amendment provisions of such rules.

19. Defendant shall provide the EPA Region and the State in which the sulfuric acid plant is located with a copy of each application for a federally enforceable permit necessary to implement the requirements of this Consent Decree, as well as a copy of any permit proposed as a result of such application, to allow for timely participation in any public comment opportunity.



20. Emission Credit Generation

Defendant will neither generate nor use any SO<sub>2</sub> or acid mist emission reductions resulting from any projects required pursuant to this Consent Decree for the purpose of obtaining netting credits or offsets in any Prevention of Significant Deterioration (PSD), major non-attainment (meaning the non-attainment area New Source Review (NSR) program within the meaning of Part D of Subchapter I of the Act, 42 U.S.C. § 7510-7515, 40 C.F.R. Part 51), and/or minor NSR permit or permit proceeding; provided, however, that notwithstanding any other provision herein, (a) nothing in this Paragraph shall be construed to limit the generation and use of emissions credits or offsets respecting SO<sub>2</sub> or acid mist emission reductions that are either more stringent than the emissions limits established under the Consent Decree or achieved from sources not covered under the Consent Decree, as well as reductions of any other pollutant at any source; and (b) this Consent Decree is not intended to prohibit Defendant or the States in which the Facilities are located from using emission reductions from the installation of controls required by this Consent Decree in determining whether a project that includes both the installation of controls under this Consent Decree and other

construction or modification (whether or not such construction or modification affects the Facility's production capacity), and which is conducted prior to the Effective Date for the relevant Facility, and is permitted as a single or phased construction project, triggers PSD and/or NSR requirements.

VII. REPORTING REQUIREMENTS

21. Defendant shall submit the following reports:

a. Within 30 days after the end of each half calendar year (i.e., by January 30th, July 30th) after entry of this Consent Decree, until termination of this Decree pursuant to Section XVIII, Defendant shall submit a semi-annual report for the preceding six months that shall include the status of any construction or compliance measures necessary to meet the emission limits set forth in Paragraphs 11.a through 11.h; problems encountered or anticipated, together with implemented or proposed solutions; status of permit applications; operation and maintenance work; and any reports to State agencies. The first semi-annual report following entry of the Consent Decree shall be submitted by the later of (a) the end of the month following the end of the first full half calendar year after the date of entry, or (b) within 90 days of entry of the Consent Decree.

b. If Defendant violates, or has reason to believe that it may violate, any requirement of this Consent Decree or any applicable permits, Defendant shall notify the United States and the applicable State Party of such violation and its duration or anticipated likely duration, in writing, within 30 days of the day Defendant first becomes aware of the violation or potential violation, with an explanation of the violation's likely cause and of the remedial steps taken, or to be taken, to prevent or minimize such violation. If the cause of a violation cannot be fully explained at the time the report is due, Defendant shall so state in the report. Defendant shall investigate the cause of the violation and shall then submit an amendment to the report, including a full explanation of the cause of the violation, within 30 days of the day Defendant becomes aware of the cause of the violation. Nothing in this Paragraph or the following Paragraph relieves Defendant of its obligation to provide the notice required by Section IX of this Consent Decree (Force Majeure).

c. Whenever any violation of this Consent Decree or any applicable permits or any other event affecting Defendant's performance under this Decree, or the performance of its sulfuric acid plant, may pose an immediate threat to the public

health or welfare or the environment, Defendant shall notify the applicable EPA Region and State orally or by electronic or facsimile transmission as soon as possible, but no later than 24 hours after Defendant first knew of, or should have known of, the violation or event. This procedure is in addition to the requirements set forth in the preceding Paragraph.

22. All reports shall be submitted to the persons designated in Section XIV of this Consent Decree (Notices).

23. Each report submitted by Defendant under this Section shall be signed by a plant manager, a corporate official responsible for environmental management and compliance, or a corporate official responsible for plant management of the Defendant, and shall include the following certification:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that this document and its attachments were prepared either by me personally or under my direction or supervision in a manner designed to ensure that qualified and knowledgeable personnel properly gather and present the information contained therein. I further certify, based on my personal knowledge or on my inquiry of those individuals immediately responsible for obtaining the information, that the 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 knowingly and willfully submitting a materially false statement.

24. The reporting requirements of this Consent Decree do not relieve Defendant of any reporting obligations required by the Act or implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement.

25. Any information provided pursuant to this Consent Decree may be used by the United States in any proceeding to enforce the provisions of this Consent Decree and as otherwise permitted by law.

#### VIII. STIPULATED PENALTIES

26. If Defendant fails to pay the civil penalty required to be paid under Section IV of this Decree (Civil Penalty) when due, Defendant shall pay a stipulated penalty of \$500 per day for the first 30 days that the payment is late, and \$1,000 per day for each day thereafter that the payment is late. Late payment of the civil penalty shall be made in accordance with Section IV, Paragraphs 8 through 10, above. Each stipulated penalty due under this Paragraph shall be paid exclusively to the Party to whom Defendant failed to make timely payment of the civil penalty.

27. Stipulated Penalties shall be paid in accordance with

Section VIII, Paragraph 38, below. All transmittal correspondence shall state that any such payment is for late payment of the civil penalty due under this Decree, or for Stipulated Penalties for late payment, as applicable, and shall include the identifying information set forth in Section IV, Paragraphs 8 and 10, above.

28. Defendant shall be liable for Stipulated Penalties to the United States and the State Party in which the sulfuric acid plant is located for violations of this Consent Decree as specified below, unless excused under Section IX (Force Majeure).

29. Emission Limits: The following Stipulated Penalties shall accrue per violation per day after the relevant Effective Date for each violation of the requirements identified in Paragraph 11.a. through 11.i., 11.k. and 12, above:

a. Where the violation is less than 5% in excess of the applicable emission limit set forth in this Consent Decree:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$500	1st through 30th day
\$1000	31st day and beyond

b. Where the violation is equal to or greater than 5% but less than 10% in excess of the applicable emission limit

set forth in this Consent Decree:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$1000	1st through 14th day
\$1500	15th day through 30th day
\$2000	31st day and beyond

c. Where the violation is equal to or greater than 10% in excess of the applicable emission limit set forth in this Consent Decree:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$1500	1st day through 14th day
\$2000	15th day through 30th day
\$2500	31st day and beyond

30. CEMS Requirements: The following Stipulated Penalties shall accrue per violation per day for each violation of the CEMS requirements identified in Paragraph 13:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$1500	1st through 14th day
\$2000	15th through 30th day
\$2500	31st day and beyond

31. Performance Testing: The following Stipulated penalties shall accrue per violation per day for each violation of the performance testing requirements identified in

Paragraph 14:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$1000	1st through 14th day
\$1500	15th through 30th day
\$2000	31st day and beyond

32. Permitting Requirements: The following Stipulated Penalties shall accrue per violation per day for each violation of the permitting requirements identified in Section VI of this Consent Decree:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$1000	1st through 14th day
\$1500	15th through 30th day
\$2000	31st day and beyond

33. Reporting Requirements: The following Stipulated Penalties shall accrue per violation per day for each violation of the reporting and notification requirements of Section VII of this Consent Decree:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$150	1st through 14th day
\$250	15th through 30th day
\$500	31st day and beyond

34. The following Stipulated Penalties shall accrue per



violation per day for Defendant's failure to comply with any requirement of this Consent Decree not specifically referenced in Paragraphs 26 through 33 above, including, but not limited to, failing to perform any obligation required by any work plan or schedule approved under this Decree, within the specified time schedules established by or approved under this Decree:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$150	1st through 14th day
\$250	15th through 30th day
\$500	31st day and beyond

35. Stipulated Penalties under this Section shall begin to accrue on the day after performance is due or on the day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases. Stipulated Penalties shall accrue simultaneously for separate violations of this Consent Decree. Defendant shall pay any Stipulated Penalty within 45 days of receiving the United States' or the State Party's written demand. The United States and/or the State Party in which the sulfuric acid plant is located, may seek Stipulated Penalties under this Section. Any stipulated penalties paid under this Section shall be paid 50 percent to the United States and 50

percent to the relevant State Party regardless of which Party made the demand.

36. The United States and/or the State Parties may, in the unreviewable exercise of their discretion, reduce or waive Stipulated Penalties otherwise due that sovereign under this Consent Decree. The determination by one sovereign not to seek Stipulated Penalties, or subsequently to waive or reduce the amount it seeks, shall not preclude the other sovereign from seeking the full amount of Stipulated Penalties owing to that sovereign.

37. Stipulated Penalties shall continue to accrue as provided in Paragraph 35, above, during any Dispute Resolution, but need not be paid until the following:

a. If the dispute is resolved by agreement or by a decision of EPA or the State Party that is not appealed to the Court, Defendant shall pay accrued penalties determined to be owing, together with interest, at the rate specified in 28 U.S.C. § 1961, to the United States and/or the State Party within 30 days of the effective date of the agreement or the receipt of EPA's or the State Party's decision or order.

b. If the dispute is appealed to the Court and the United States and/or the State Party prevails in whole or in

part, Defendant shall pay all accrued penalties determined by the Court to be owing, together with interest, at the rate specified in 28 U.S.C. § 1961, within 60 days of receiving the Court's decision or order, except as provided in Subparagraph c, below.

c. If any Party appeals the District Court's decision, Defendant shall pay all accrued penalties determined to be owing, together with interest at the rate specified in 28 U.S.C. § 1961, no later than 30 days after the administrative decision or judicial order, judgment or decree resolving the dispute becomes final and not subject to any further appeal.

38. Defendant shall pay Stipulated Penalties owing to the United States in accordance with Section IV, Paragraph 8, above, or by certified or cashier's check in the amount due, payable to the "U.S. Department of Justice," referencing DOJ No. 90-5-2-1-08500 and United States Attorney's Office file number 2006V00872, and delivered to the office of the United States Attorney, Northern District of Indiana, Hammond Division, 5400 Federal Plaza, Hammond, Indiana 46320, (219) 937-5500.

Defendant shall pay Stipulated Penalties owing to the State Parties in accordance with Section IV, Paragraph 10, above.

39. No amount of the Stipulated Penalties to be paid by

Defendant shall be used to reduce its federal or state tax obligations.

40. If Defendant fails to pay Stipulated Penalties according to the terms of this Consent Decree, Defendant shall be liable for interest at the rate specified in 28 U.S.C. § 1961, accruing as of the date payment became due.

41. Subject to the provisions of Section XII of this Consent Decree (Effect of Settlement/Reservation of Rights), the Stipulated Penalties provided for in this Consent Decree shall be in addition to any other rights, remedies, or sanctions available to the United States for Defendant's violation of this Consent Decree or applicable law. Where a violation of this Consent Decree is also a violation of the PSD/NSR Requirements, the NSPS Requirements, the SIP Requirements and/or the Title V Requirements, Defendant shall be allowed a credit, for any Stipulated Penalties paid, against any statutory penalties imposed for such violation.

IX. FORCE MAJEURE

42. A "force majeure" is any event beyond the control of Defendant, its contractors, or any entity controlled by Defendant that delays the performance of any obligation under this Consent Decree despite Defendant's Best Efforts to fulfill

the obligation. "Best Efforts" includes anticipating any such potential event and addressing the effects of any such event (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting delay to the greatest extent practicable. "Force majeure" does not include Defendant's financial inability to perform any obligation under this Consent Decree.

43. If any event occurs which causes or may cause a delay or impediment to performance in complying with any provision of this Consent Decree, Defendant shall notify the United States, the applicable EPA Regional office, and the relevant State Party in writing as soon as practicable, but in any event within fourteen (14) days of the date when Defendant first knew of the event or should have known of the event by the exercise of due diligence. In this notice, Defendant shall specifically reference this Paragraph 43 of this Consent Decree and describe the anticipated length of time the delay may persist, the cause or causes of the delay, and the measures taken or to be taken by Defendant to prevent or minimize the delay and the schedule by which those measures shall be implemented. Defendant shall take Best Efforts to avoid or minimize such delays. The notice required by this Section shall be effective upon the mailing of the same by overnight mail or by certified mail, return receipt

requested, to the applicable EPA Regional Office and State Party, as appropriate, as specified in Section XIV (Notice).

44. Failure by Defendant to substantially comply with the notice requirements of Paragraph 43 as specified above shall render this Section IX (Force Majeure) voidable by the United States, in consultation with the relevant State Party, as to the specific event for which Defendant has failed to comply with such notice requirement, and, if voided, is of no effect as to the particular event involved.

45. The United States, after consultation with the relevant State Party, shall notify Defendant in writing regarding the United States' position regarding Defendant's claim of a delay or impediment to performance within thirty (30) days of receipt of the force majeure notice provided under Paragraph 43.

46. If the United States, after consultation with the relevant State Party, agrees that the delay or impediment to performance has been or will be caused by circumstances beyond the control of the Defendant (including any entity controlled by the Defendant) and that Defendant could not have prevented the delay by the exercise of Best Efforts, or if the delay or impediment to performance is deemed to be a force majeure under

Paragraph 49, the appropriate Parties shall stipulate to an extension of the required deadline(s) for all requirement(s) affected by the delay by a period equivalent to the delay actually caused by such circumstances. Such stipulation shall be filed as a material modification to the Consent Decree pursuant to the modification procedures established by this Consent Decree in Paragraph 76. Defendant shall not be liable for stipulated penalties for the period of any such delay.

47. If the United States, after consultation with the relevant State Party, does not accept Defendant's claim of delay or impediment to performance, Defendant must submit the matter to the Court for resolution to avoid payment of stipulated penalties, by filing a petition for determination with the Court by no later than forty-five (45) days after receipt of the notice provided under Paragraph 45 above. Once Defendant has submitted this matter to the Court, the United States and the relevant State Party will have forty-five (45) days to file their responses to the petition. If the Court determines that the delay or impediment to performance has been or will be caused by circumstances beyond the control of the Defendant including any entity controlled by Defendant and that the delay could not have been prevented by Defendant by the exercise of

Best Efforts, Defendant shall be excused as to that event(s) and delay (including stipulated penalties), for a period of time equivalent to the delay caused by such circumstances.

48. Defendant will bear the burden of proving that any delay of a requirement(s) of this Consent Decree was caused by or will be caused by circumstances beyond its control, including any entity controlled by it, and that it could not have prevented the delay by the exercise of Best Efforts. Defendant shall also bear the burden of proving the duration and extent of any delay(s) attributable to such circumstances. Any extension of one compliance date based on a particular event may, but does not necessarily, result in an extension of a subsequent compliance date or dates.

49. Unanticipated or increased costs or expenses associated with the performance of Defendant's obligations under this Consent Decree shall not constitute circumstances beyond its reasonable control, or serve as the basis for an extension of time under this Section IX. However, the failure of a permitting authority to issue a necessary construction or operating permit in a timely fashion is an event of force majeure where the failure of the permitting authority to issue the relevant permit is beyond the control of the Defendant and



the Defendant has taken all steps available to it to obtain the necessary permit. For the Houston #2, Baton Rouge #1 and Baton Rouge #2 plants which require a Resource Conservation and Recovery Act (RCRA) permit, if a RCRA permit modification is necessary for any construction required by this Consent Decree and the permitting authority has failed to issue such RCRA permit modification within 18 months of Defendant's full and complete permit application submittal, and the failure of the permitting authority to act is beyond Defendant's control and Defendant has used Best Efforts with respect to the permit and the construction for which the permit is required, then each additional day when such permit is not issued, beyond the 18 months after Defendant's full and complete permit application submittal, shall be considered a day of delay caused by a force majeure, provided that Defendant's full and complete permit application submittal was made at least 18 months before the relevant Effective Date.

50. Notwithstanding any other provision of this Consent Decree, the Court shall not draw any inferences nor establish any presumptions adverse to either party as a result of Defendant's serving of a force majeure notice or the Parties' inability to reach agreement.

51. As part of the resolution of any matter submitted to this Court under this Section IX, the appropriate Parties by agreement, or the Court by order, may in appropriate circumstances extend or modify the schedule for completion of work under the Consent Decree to account for the delay in the work that occurred as a result of any delay or impediment to performance agreed to by the United States or approved by this Court. Defendant shall be liable for stipulated penalties for its failure thereafter to complete the work in accordance with the extended or modified schedule.

X. DISPUTE RESOLUTION

52. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Consent Decree. Defendant's failure to seek resolution of a dispute under this Section shall preclude Defendant from raising any such issue as a defense to an action by the United States to enforce any obligation of Defendant arising under this Decree.

53. The dispute resolution procedure set forth in this Section X shall be available to resolve any and all disputes arising under this Consent Decree, provided that the Party

making such application has made a good faith attempt to resolve the matter with the other Party.

54. The dispute resolution procedure required herein shall be invoked upon the giving of written notice by one of the Parties to this Consent Decree to another advising the other appropriate Party(ies) of a dispute pursuant to Section X. The notice shall describe the nature of the dispute, and shall state the noticing Party's position with regard to such dispute. The Party or Parties receiving such notice will acknowledge receipt of the notice and the Parties shall expeditiously schedule a meeting to discuss the dispute informally not later than fourteen (14) days from the receipt of such notice.

55. Disputes submitted to dispute resolution shall, in the first instance, be the subject of informal negotiations between the Parties. Such period of informal negotiations shall not extend beyond thirty (30) days from the date of the first meeting between representatives of the Parties, unless it is agreed by the Parties that this period should be shortened or extended.

56. In the event that the Parties are unable to reach agreement during such informal negotiations period, the United States or the relevant State Party, as applicable, shall provide

Defendant with a written summary of its/their position regarding the dispute. The position advanced by the United States and/or the relevant State Party, as applicable, will be considered binding unless, within forty-five (45) days of Defendant's receipt of the written summary, Defendant files with the Court a petition which describes the nature of the dispute. The United States or the relevant State Party shall respond to the petition within forty-five (45) days of filing.

57. In resolving a dispute between the parties under these circumstances, Defendant shall bear the burden of demonstrating that its position complies with this Consent Decree and the Act. The Court shall decide the dispute based upon applicable principles of law. The United States reserves the right to argue that its position is reviewable only on the administrative record and must be upheld unless arbitrary and capricious or otherwise not in accordance with law.

58. In the event that the EPA and the relevant State Party are unable to reach agreement amongst themselves with regard to the Defendant's claim, the position of the United States shall be the Plaintiffs' final position. A dissenting Plaintiff-Intervenor may file such other pleadings expressing its position as allowed by the Court.

59. Where the nature of the dispute is such that a more timely resolution of the issue is required, the time periods set forth in Section X may be shortened upon motion of one of the Parties to the dispute and approval of the Court.

60. The Parties do not intend that the invocation of this Section X by a Party cause the Court to draw any inferences nor establish any presumptions adverse to either Party as a result of invocation of this Section.

61. As part of the resolution of any dispute submitted to the dispute resolution, the Parties, by agreement, or this Court, by order, may, in appropriate circumstances, extend or modify the schedule for completion of work under this Consent Decree to account for the delay in the work that occurred as a result of dispute resolution. Defendant shall be liable for stipulated penalties for its failure thereafter to complete the work in accordance with the extended or modified schedule.

XI. INFORMATION COLLECTION AND RETENTION

62. The United States, the State Parties, and their representatives, including attorneys, contractors, and consultants, shall have the right of entry into any of the Facilities covered by this Consent Decree, at all reasonable times, upon presentation of credentials, to:

a. monitor the progress of activities required under this Consent Decree;

b. verify any data or information submitted to the United States or a State Party in accordance with the terms of this Consent Decree;

c. obtain samples and, upon request, splits of any samples taken by Defendant or its representatives, contractors, or consultants;

d. obtain documentary evidence, including photographs and similar data; and

e. assess Defendant's compliance with this Consent Decree.

63. Until three years after the termination of this Consent Decree, or until three years after the satisfaction of portions of this Consent Decree consistent with Paragraph 78 (Partial Termination), whichever occurs first, Defendant shall retain all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that relates in any manner to Defendant's performance of its obligations

under this Consent Decree. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or procedures. At any time during this information-retention period, the United States or a State Party may request copies of any documents, records, or other information required to be maintained under this Paragraph.

64. If Defendant desires to revert to its ordinary document retention policy in regards to documents it is otherwise required to retain, at least 3 months before the expiration of the document retention period, Defendant shall notify the United States of its intention to revert to its ordinary document retention policy. Should the United States request copies, Defendant may assert that certain documents, records, or other information is privileged under the attorney-client privilege or any other privilege recognized by federal law. If Defendant asserts such a privilege, it shall provide the following: (1) the title of the document, record, or information; (2) the date of the document, record, or information; (3) the name and title of each author of the document, record, or information; (4) the name and title of each addressee and recipient; (5) a description of the subject of the document, record, or information; and (6) the privilege asserted

by Defendant. However, no documents, records, or other information created or generated pursuant to the requirements of this Consent Decree shall be withheld on grounds of privilege.

65. Defendant may also assert that information required to be provided under this Section is protected as Confidential Business Information (CBI) under 40 C.F.R. Part 2. As to any information that Defendant seeks to protect as CBI, Defendant shall follow the procedures set forth in 40 C.F.R. Part 2.

66. This Consent Decree in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the United States or the States pursuant to applicable federal or state laws, regulations, or permits, nor does it limit or affect any duty or obligation of Defendant to maintain documents, records, or other information imposed by applicable federal or state laws, regulations, or permits.

XII. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

67. This Consent Decree resolves all the civil claims of the United States and the State Parties for the violations alleged in the Complaint, and in the Complaints in Intervention filed in this action, from the date those claims accrued through the date of entry. The claims so resolved include, without limitation, claims for SO<sub>2</sub> and acid mist emissions in alleged



violation of PSD, NSR, NSPS, Subpart H and Title V, and the corresponding SIP requirements, based on construction, modification or reconstruction projects at the sulfuric acid production units at the Facilities up to the filing of the Complaint in this action.

68. The United States and the States reserve all legal and equitable remedies available to enforce the provisions of this Consent Decree, except as expressly stated in Paragraph 67. This Consent Decree shall not be construed to limit the rights of the United States or the State Parties to obtain penalties or injunctive relief under the Act or implementing regulations, or under other federal or state laws, regulations, or permit conditions, except as expressly specified in Paragraph 67. The United States and the State Parties further reserve all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare or the environment arising at, or posed by, Defendant's Facilities, whether related to the violations addressed in this Consent Decree or otherwise.

69. This Consent Decree is not a permit, or a modification of any permit, under any federal, State, or local laws or regulations. Defendant is responsible for achieving and maintaining compliance with all applicable federal, State, and

local laws, regulations, and permits; and Defendant's compliance with this Consent Decree shall be no defense to any action commenced pursuant to any such laws, regulations, or permits. Except as otherwise provided in this Consent Decree, the United States and the State Parties do not, by their consent to the entry of this Consent Decree, warrant or aver in any manner that Defendant's compliance with any aspect of this Consent Decree will result in compliance with provisions of the Act, or with any other provisions of federal, State, or local laws, regulations, or permits. The Parties agree that this Consent Decree represents diligent prosecution of the claims alleged in the Complaint.

70. This Consent Decree does not limit or affect the rights of Defendant or of the United States or the State Parties against any third parties, not party to this Consent Decree, nor does it limit the rights of third parties, not party to this Consent Decree, against Defendant, except as otherwise provided by law.

71. This Consent Decree shall not be construed to create rights in, or grant any cause of action to, any third party not party to this Consent Decree.

XIII. COSTS

72. The Parties shall bear their own costs of this action, including attorneys' fees, except that the United States and the State Parties shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to collect any portion of the civil penalty or any Stipulated Penalties due but not paid by Defendant.

XIV. NOTICES

73. Unless otherwise specified herein, whenever notifications, submissions, or communications are required by this Consent Decree, they shall be made in writing and addressed to the United States Department of Justice, EPA Headquarters, and the EPA Region and the State Party where the relevant sulfuric acid plant is located, as follows:

To the United States:

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611  
Re: DOJ No. 90-5-2-1-08500

and

To EPA:

David Schnare  
U.S. Environmental Protection Agency Headquarters

Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Mailcode 2242A  
Washington D.C. 20460

Nathan Frank  
U.S. Environmental Protection Agency  
Region 5  
AE-17J  
77 West Jackson Blvd.  
Chicago, Il 60604

Cynthia A. King  
U.S. Environmental Protection Agency  
Region 5  
C-14J  
77 West Jackson Blvd.  
Chicago, Il 60604

Jan Gerro  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Suite 1200  
Mailcode 6RCEA  
Dallas, TX 75202

Himanshu Vyas  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Suite 1200  
Mailcode 6ENAT  
Dallas, TX 75202

Thomas P. Mintz  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
Mailcode ORC-2  
San Francisco, CA 94105

John J. Kim

U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
Mailcode AIR-5  
San Francisco, CA 94105

To the State of Indiana:

Lynne Sullivan  
Senior Environmental Manager  
Office of Enforcement/Air Section - Mail Code 60-02  
Indiana Department of Environmental Management  
100 N. Senate Avenue  
Indianapolis, IN 46204-2251

Thomas Nyhan  
Hammond Department of Environmental Management  
Hammond City Hall, Room 304  
5925 Calumet Avenue  
Hammond, IN 46320

To the Bay Area Air Quality Management District

Alexander Crockett  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Brian C. Bunger  
Bay Area Air Quality Management District  
Office of District Counsel  
939 Ellis Street  
San Francisco, CA 94109

To the State of Louisiana:

Peggy M. Hatch  
Administrator, Enforcement Division  
Office of Environmental Compliance  
Louisiana Department of Environmental Quality  
P.O. Box 4312  
Baton Rouge, Louisiana 70821-4312

To Defendant:

James J. Dragna  
Bingham McCutchen LLP  
Suite 4400  
355 South Grand Avenue  
Los Angeles, CA 90071

Frank M. Sardo  
Rhodia Inc.  
CN 7500  
Cranbury, NJ 08512-7500

Paul Linskey  
Rhodia Inc.  
CN 7500  
Cranbury, NJ 08512-7500

Any Party may, by written notice to the other Parties, change its designated notice recipient or notice address provided above. Notices submitted pursuant to this Section shall be deemed submitted upon mailing, unless otherwise provided in this Consent Decree or by mutual agreement of the Parties in writing.

XV. EFFECTIVE DATE

74. The effective date of this Consent Decree shall be the date upon which this Consent Decree is entered by the Court.

XVI. RETENTION OF JURISDICTION

75. The Court shall retain jurisdiction over this case until termination of this Consent Decree, for the purpose of resolving disputes arising under this Decree or entering orders modifying this Decree, pursuant to Sections X and XVII, or

effectuating or enforcing compliance with the terms of this Decree.

XVII. MODIFICATION

76. The terms of this Consent Decree may be modified only by a subsequent written agreement signed by all the Parties. Where the modification constitutes a material change to any term of this Decree, it shall be effective only upon approval by the Court.

XVIII. TERMINATION

77. Complete Termination: After Defendant has maintained continuous satisfactory compliance with the requirements of the Act applicable to the emissions of SO<sub>2</sub> or sulfuric acid mist from its sulfuric acid plants, and this Consent Decree, for a period of one year after achieving compliance with all of the requirements of this Consent Decree, and has paid the civil penalty and any accrued Stipulated Penalties as required by this Consent Decree, Defendant may serve upon the United States and the State Parties a Request for Termination, stating that Defendant has satisfied those requirements, together with all necessary supporting documentation.

78. Partial Termination: If Defendant has satisfied its obligations and requirements under this Consent Decree with

respect to an individual Facility, and Defendant can demonstrate continuous compliance with the requirements of this Consent Decree at that Facility for a period of one year, Defendant may serve upon the United States and the relevant State Party, a Request for Partial Termination with regard to that Facility, stating that Defendant has satisfied the requirements of this Consent Decree with respect to that Facility, together with a certification of continuous compliance in substantially the form provided in Paragraph 23, and all necessary supporting documentation.

79. Following receipt by the United States and the State Parties of Defendant's Request for Termination, or Request for Partial Termination, the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether Defendant has satisfactorily complied with the requirements for termination of this Consent Decree. If the United States after consultation with the State Parties agrees that the Decree, or portions thereof, may be terminated, the Parties shall submit, for the Court's approval, a joint stipulation terminating the Decree.

80. If the United States after consultation with the State Parties does not agree that the Decree may be terminated,



Defendant may invoke Dispute Resolution under Section X of this Decree. However, Defendant shall not seek Dispute Resolution of any dispute regarding termination under Section X of this Consent Decree, until 30 days after service of its Request for Termination.

XIX. PUBLIC PARTICIPATION

81. This Consent Decree shall be lodged with the Court for a period of not less than 30 days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations indicating that the Consent Decree is inappropriate, improper, or inadequate. Defendant consents to entry of this Consent Decree without further notice.

82. The Parties agree and acknowledge that final approval by Plaintiff-Intervenor the State of Louisiana, Department of Environmental Quality, and entry of this Consent Decree is subject to the requirements of La. R.S. 30:2050.7, which provides for public notice of this Consent Decree in newspapers of general circulation and the official journals of parishes in which the Baton Rouge #1 and #2 sulfuric acid plants are located, an opportunity for public comment, consideration of any

comments, and concurrence by the State Attorney General. The State of Louisiana reserves the right to withdraw or withhold consent if the comments regarding this Consent Decree disclose facts or considerations which indicate that this Consent Decree is inappropriate, improper or inadequate.

XX. SIGNATORIES/SERVICE

83. Each undersigned representative of Defendant and other parties to the Decree and the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice (or his or her designee) certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind the Party he or she represents to this document.

84. This Consent Decree may be signed in counterparts, and its validity shall not be challenged on that basis.

85. Defendant agrees not to oppose entry of this Consent Decree by the Court or to challenge any provision of the Decree, unless the United States has notified Defendant in writing that it no longer supports entry of the Decree.

86. Defendant agrees to accept service of process by mail with respect to all matters arising under or relating to this Consent Decree and to waive the formal service requirements set

forth in Rules 4 and 5 of the Federal Rules of Civil Procedure and any applicable Local Rules of this Court including, but not limited to, service of a summons.

XXI. INTEGRATION

87. This Consent Decree and its Appendices constitute the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in the Decree and supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied herein. Other than the Appendices, which are attached to and incorporated in this Decree, and deliverables that are subsequently submitted and approved pursuant to this Decree, no other document, nor any representation, inducement, agreement, understanding, or promise, constitutes any part of this Decree or the settlement it represents, nor shall it be used in construing the terms of this Decree.

XXII. FINAL JUDGMENT

88. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment of the Court in this action as to the United States, the State Parties, and Defendant. The Court finds that there is no just reason for delay and therefore enters this judgment as a final

judgment under Fed. R. Civ. P. 54 and 58.

**XXIII. APPENDICES**

The following appendices are attached to and incorporated into this Consent Decree:

"Appendix A" is the Alternative Monitoring Plans for the Rhodia Facilities.

Dated and entered this \_\_\_\_ day of \_\_\_\_\_, 2007.

**COPY**

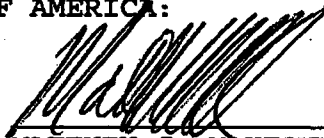
---

UNITED STATES DISTRICT JUDGE  
Northern District of Indiana

FOR PLAINTIFF UNITED STATES OF AMERICA:

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:

FOR PLAINTIFF UNITED STATES OF AMERICA:



MATTHEW J. MCKEOWN  
Acting Assistant Attorney General  
Environment and Natural Resources  
Division  
United States Department of  
Justice



STEVE C. GOLD  
Senior Attorney  
Environmental Enforcement Section  
Environment and Natural Resources  
Division  
United States Department of  
Justice  
Post Office Box 7611  
Washington, D.C. 20044  
(202) 514-5260  
(202) 616-6584 (FAX)



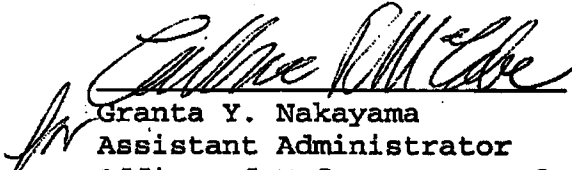
CYNTHIA A. KING  
Special Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources  
Division  
United States Department of  
Justice  
77 W. Jackson Blvd.  
Chicago, IL 60604  
312-886-6831

JOSEPH S. VAN BOKKELEN  
United States Attorney  
Northern District of Indiana

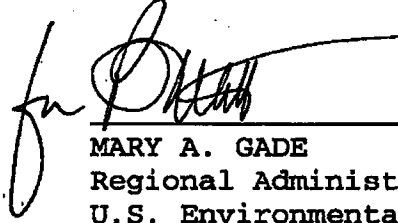
*Wayne T. Ault*

WAYNE T. AULT  
Assistant United States Attorney  
Northern District of Indiana  
5400 Federal Plaza, Suite 1500  
Hammond, Indiana 46320  
Telephone: 219-937-5500  
Telecopy: 219-852-2770

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:

  
Granta Y. Nakayama  
Assistant Administrator  
Office of Enforcement and  
Compliance Assurance

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:




---

MARY A. GADE  
Regional Administrator  
U.S. Environmental Protection  
Agency  
Region 5



THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:



RICHARD E. GREENE  
Regional Administrator  
U.S. Environmental Protection  
Agency  
Region 6

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:



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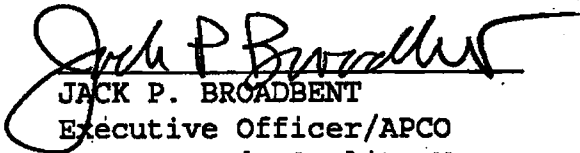
WAYNE NASTRI  
Regional Administrator  
U.S. Environmental Protection  
Agency  
Region 9

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:



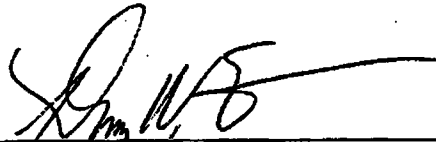
RONALD L. NOVAK  
Director  
Department of Environmental  
Management  
City of Hammond, Indiana

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:



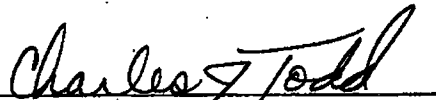
JACK P. BROADBENT  
Executive Officer/APCO  
Bay Area Air Quality Management  
District

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:



---

THOMAS W. EASTERLY  
Commissioner  
Indiana Department of  
Environmental Management  
Indianapolis, Indiana



---

CHARLES J. TODD  
Chief Operating Officer  
Office of the Indiana Attorney  
General

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:

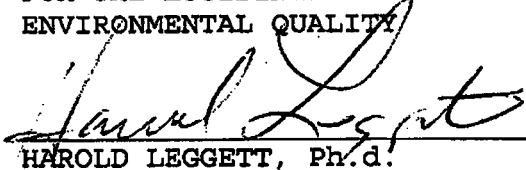
FOR THE STATE OF LOUISIANA

Date: \_\_\_\_\_

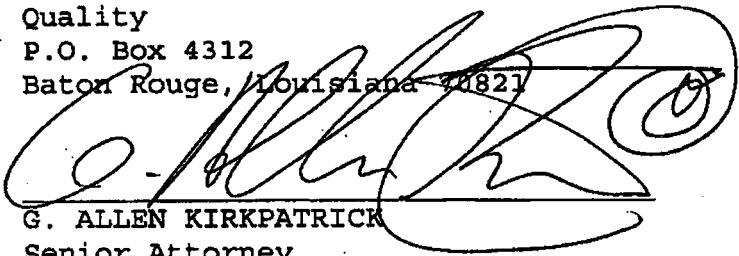
\_\_\_\_\_  
CHARLES C. FOTI, Jr.  
Attorney General  
Louisiana Department of Justice  
P.O. Box 94005  
Baton Rouge, Louisiana 70804

FOR THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Date: 3/19/07

  
\_\_\_\_\_  
HAROLD LEGGETT, Ph.d.  
Assistant Secretary  
Office of Environmental Compliance  
Louisiana Department of Environmental Quality  
P.O. Box 4312  
Baton Rouge, Louisiana 70821


Date: 19 March 2007

  
\_\_\_\_\_  
G. ALLEN KIRKPATRICK  
Senior Attorney  
Office of the Secretary  
Legal Affairs Division  
Louisiana Department of Environmental Quality  
P.O. Box 4302  
Baton Rouge, Louisiana 70821

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:


FOR THE STATE OF LOUISIANA

Date: 3-19-07

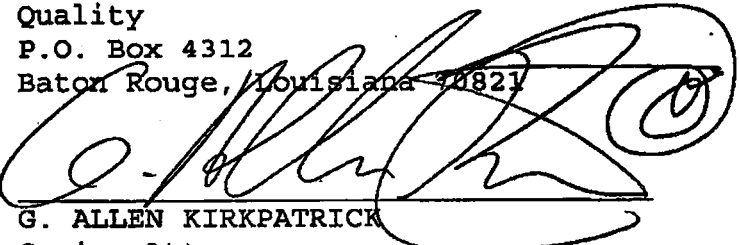
  
\_\_\_\_\_  
CHARLES C. FOTI, JR.  
Attorney General  
Louisiana Department of Justice  
P.O. Box 94005  
Baton Rouge, Louisiana 70804

FOR THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Date: 3/19/07

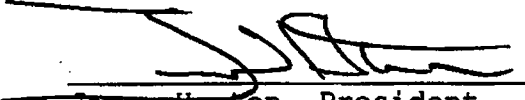
  
\_\_\_\_\_  
HAROLD LEGGETT, Ph.d.  
Assistant Secretary  
Office of Environmental Compliance  
Louisiana Department of Environmental Quality  
P.O. Box 4312  
Baton Rouge, Louisiana 70821

Date: 19 March 2007

  
\_\_\_\_\_  
G. ALLEN KIRKPATRICK  
Senior Attorney  
Office of the Secretary  
Legal Affairs Division  
Louisiana Department of Environmental Quality  
P.O. Box 4302  
Baton Rouge, Louisiana 70821

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Rhodia Inc., (N.D. Ind.), relating to alleged violations of the Clean Air Act:

FOR DEFENDANT RHODIA INC.:

  
\_\_\_\_\_  
James Harton, President  
Rhodia Inc.

If different from above, the following is the name and address of Settling Defendant's agent for service and the name and address of Settling Defendant's counsel. Counsel may act as agent for service.

Agent for Service

Attorney

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name



Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



AIRV/17G06962/1610/PA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

January 25, 2008

MR JAMES HARTON  
PRESIDENT ECO SERVICES  
RHODIA INC  
8 CEDAR BROOK DR  
CRANBURY NJ 08512-7500

Re: Effective Permit Approval  
Renewal  
Permit Number: O1610  
Rhodia, Inc  
Baytown Plant  
Baytown, Harris County  
Regulated Entity Number: RN100211317  
Customer Reference Number: CN600125330  
Account Number: HG-0696-Q

Dear Mr. Harton:

The effective federal operating permit (FOP) for Rhodia Inc., Baytown Plant is enclosed. This FOP constitutes authority to operate the emission units identified in the FOP application.

All site operating permits are subject to public petition for 60 days following the expiration of the 45-day U.S. Environmental Protection Agency (EPA) review. The public petition period for the FOP extends from January 12, 2008 until March 11, 2008. If the EPA receives a valid petition and objects to the above-referenced permit, you will be notified promptly by the Texas Commission on Environmental Quality (TCEQ).

It should be noted that from the date of this letter Rhodia Inc, Baytown Plant, must operate in accordance with the requirements of Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122) and the FOP. Some of the terms and conditions contained in the FOP include recordkeeping conditions, reporting conditions (which includes deviation reporting), and compliance certification conditions. All reports, along with any questions regarding the reports, shall be forwarded to the Texas Commission on Environmental Quality Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452.

RECEIVED  
JUL 20 2009

TCEQ  
CENTRAL FILE ROOM

Mr. James Harton

Page 2

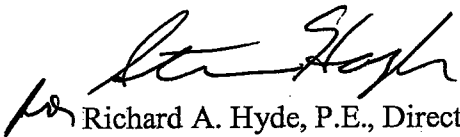
January 25, 2008

Consistent with 30 TAC Chapter 122, Subchapter C, the permit holder shall submit an application to the Air Permits Division (APD) for a revision to an FOP for those activities at a site which change, add, or remove one or more FOP terms or conditions. The permit holder shall also submit an application to the APD for a revision to a permit to address the following: the adoption of an applicable requirement previously designated as federally enforceable only; the promulgation of a new applicable requirement; the adoption of a new state-only requirement; or a change in a state-only designation.

Thank you again for your cooperation in this matter. If you have questions concerning the review or this notice, please contact Ms. Kimberli Evans at (512) 239-1100.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,



Richard A. Hyde, P.E., Director  
Air Permits Division  
Office of Permitting, Remediation, and Registration  
Texas Commission on Environmental Quality

RAH/KE/cjj

cc: Mr. William F. Dickerson, Environmental Manager, Rhodia, Inc., Houston  
Mr. Al Semaan, Plant Manager, Rhodia, Inc., Houston  
Director, Pollution Control Department, Harris County Public Health and  
Environmental Services, Pasadena  
Air Section Manager, Region 12 - Houston

Enclosure: Effective Permit

cc: Air Permit Section Chief, U.S. Environmental Protection Agency, Region 6, Dallas

Project Number: 9948

# FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO

Rhodia Inc.

AUTHORIZING THE OPERATION OF

Baytown Plant  
Industrial Inorganic Chemicals

LOCATED AT

Harris County, Texas

LATITUDE 29° 44' 51" LONGITUDE 095° 00' 07"

Regulated Entity Number: RN100211317

This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site and emission units listed in this permit. Operation of the site and emission units listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.


This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site and emission units authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site and emission units.

Permit No: O1610

Issuance Date: January 25, 2008

  
\_\_\_\_\_  
For the Commission

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## **GENERAL TERMS AND CONDITIONS**

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit shall be forwarded to the TCEQ Central Office and to the TCEQ Regional Office for your site. Reports submitted must include a cover letter which identifies the following information: company name, TCEQ regulated entity number, site name, area name (if applicable), and Air Permits Division permit number.

## **SPECIAL TERMS AND CONDITIONS:**

### **Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting:**

1. Permit holder shall comply with the following requirements:
  - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
  - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
  - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.

- D. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC § 117.303 applies to the following units: 1, DOCKVC.
- E. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC §§ 117.300, 117.310, 117.335, 117.340, 117.345, 117.350, and 117.354 apply to the following unit: PKGBOILSTK, PREHTRSTK
- F. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emission Cap and Trade Program) Requirements:
- (i) Title 30 TAC § 101.352 (relating to General Provisions)
  - (ii) Title 30 TAC § 101.353 (relating to Allocation of Allowances)
  - (iii) Title 30 TAC § 101.354 (relating to Allowance Deductions)
  - (iv) Title 30 TAC § 101.356 (relating to Allowance Banking and Trading)
  - (v) Title 30 TAC § 101.358 (relating to Emission Monitoring and Compliance Demonstration)
  - (vi) Title 30 TAC § 101.359 (relating to Reporting)
  - (vii) Title 30 TAC § 101.360 (relating to Level of Activity Certification)
  - (viii) The terms and conditions by which the emission limits are established to meet or exceed the cap are applicable requirements of this permit
- G. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 6 (Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program) requirements:
- (i) Title 30 TAC § 101.392 (relating to Exemptions)
  - (ii) Title 30 TAC § 101.401 (relating to Level of Activity Certification)
2. Permit holder shall comply with the requirements in the Prevention of Significant Deterioration (PSD) Permit Number PSD-TX-695M2 for the following pollutants: SO<sub>2</sub>.
3. The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):

- A. Title 30 TAC § 101.1 (relating to Definitions), insofar as the terms defined in this section are used to define the terms used in other applicable requirements
  - B. Title 30 TAC § 101.3 (relating to Circumvention)
  - C. Title 30 TAC § 101.8 (relating to Sampling), if such action has been requested by the TCEQ
  - D. Title 30 TAC § 101.9 (relating to Sampling Ports), if such action has been requested by the TCEQ
  - E. Title 30 TAC § 101.10 (relating to Emissions Inventory Requirements)
  - F. Title 30 TAC § 101.201 (relating to Emission Event Reporting and Recordkeeping Requirements)
  - G. Title 30 TAC § 101.211 (relating to Scheduled Maintenance, Start-up, and Shutdown Reporting and Recordkeeping Requirements)
  - H. Title 30 TAC § 101.221 (relating to Operational Requirements)
  - I. Title 30 TAC § 101.222 (relating to Demonstrations)
  - J. Title 30 TAC § 101.223 (relating to Actions to Reduce Excessive Emissions)
4. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
- A. For stationary vents with a flow rate of less than 100,000 actual cubic feet per minute and constructed on or before January 31, 1972, that are not listed in the Applicable Requirements Summary attachment, the permit holder shall comply with the following requirements:
    - (i) Title 30 TAC § 111.111(a)(1)(A) (relating to Requirements for Specified Sources)
    - (ii) Title 30 TAC § 111.111(a)(1)(E)
    - (iii) Title 30 TAC §§ 111.111(a)(1)(F)(i), (ii), (iii), or (iv)
    - (iv) For emission units with vent emissions subject to 30 TAC § 111.111(a)(1)(A), complying with 30 TAC §§ 111.111(a)(1)(F)(ii), (iii), or (iv), and capable of producing visible emissions from (but not limited to) particulate matter, acid gases, and NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. These periodic monitoring requirements do not apply to vents that do not emit visible

(v) emissions such as vents that emit only VOC or vents that provide passive ventilation, such as plumbing vents; or vents that are subject to the emission limitations of 30 TAC § 111.111(a)(1)(A) and Compliance Assurance Monitoring as specified in the attached Applicable Requirements Summary and “Additional Monitoring Requirements:”

1. An observation of stationary vents from emission units in operation shall be conducted at least once during each calendar quarter unless the emission unit is not operating for the entire quarter.
2. For stationary vents from a combustion source, if an alternative to the normally fired fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are present. If such period is greater than three months, observations shall be conducted once during each quarter. Supplementing the normally fired fuel with natural gas or fuel gas to increase the net heating value to the minimum required value does not constitute creation of an alternative fuel.
3. Records of all observations shall be maintained.
4. Visible emissions observations of emission units operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of emission units operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions observations shall be made during times when the activities described in 30 TAC § 111.111(a)(1)(E) are not taking place. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer’s eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.
5. Compliance Certification:



- (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC §§ 111.111(a)(1) and (a)(1)(A).
  - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.
  - (c) Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.
- B. Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.
- C. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).
- D. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
  - (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits)
  - (ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in 30 TAC § 111.151(b)
  - (iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c)

5. Per Consent Decree 2:07CV134WL, Baytown Facility units PRO-REGEN and 1 at the Rhodia Baytown Plant become applicable to the consent decree or 40 CFR 60, Subpart H for SO<sub>2</sub> and opacity, whichever is more stringent on January 1, 2009. Interim emissions limits are contained in NSR Permit 9565. On or before this date, Rhodia, Baytown Plant will submit permit revisions to update applicability
6. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
  - A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping)
  - B. Title 40 CFR § 60.8 (relating to Performance Tests)
  - C. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements)
  - D. Title 40 CFR § 60.12 (relating to Circumvention)
  - E. Title 40 CFR § 60.13 (relating to Monitoring Requirements)
  - F. Title 40 CFR § 60.14 (relating to Modification)
  - G. Title 40 CFR § 60.15 (relating to Reconstruction)
  - H. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements)
7. The permit holder shall comply with certified registrations submitted to the TCEQ for purposes of establishing federally enforceable emission limits. A copy of the certified registration shall be maintained with the permit. Records sufficient to demonstrate compliance with the established limits shall be maintained. The certified registration and records demonstrating compliance shall be provided, on request, to representatives of the appropriate TCEQ regional office and any local air pollution control agency having jurisdiction over the site. The permit holder shall submit updated certified registrations when changes at the site require establishment of new emission limits. If changes result in emissions that do not remain below major source thresholds, the permit holder shall submit a revision application to codify the appropriate requirements in the permit.

#### **Additional Monitoring Requirements**

8. Unless otherwise specified, the permit holder shall comply with the compliance assurance monitoring requirements as specified in the attached "CAM Summary" upon issuance of the permit. In addition, the permit holder shall comply with the following:
  - A. The permit holder shall comply with the terms and conditions contained in 30 TAC § 122.147 (General Terms and Conditions for Compliance Assurance Monitoring).

- B. The permit holder shall report, consistent with the averaging time identified in the "CAM Summary," deviations as defined by the deviation limit in the "CAM Summary." Any monitoring data below a minimum limit or above a maximum limit, that is collected in accordance with the requirements specified in 40 CFR § 64.7(c), shall be reported as a deviation. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).
  - C. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "CAM Summary," for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall data be collected and used in particular instances in order to avoid reporting deviations. All monitoring data shall be collected in accordance with the requirements specified in 40 CFR § 64.7(c).
  - D. The permit holder shall operate the monitoring, identified in the attached "CAM Summary," in accordance with the provisions of 40 CFR § 64.7
9. The permit holder shall comply with the periodic monitoring requirements as specified in the attached "Periodic Monitoring Summary" upon issuance of the permit. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality-assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permit holder shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "Periodic Monitoring Summary," for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall data be collected and used in particular instances to avoid reporting deviations. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).

#### **New Source Review Authorization Requirements**

10. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule, standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
- A. Are incorporated by reference into this permit as applicable requirements
  - B. Shall be located with this operating permit
  - C. Are not eligible for a permit shield

11. The permit holder shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.

### **Compliance Requirements**

12. The permit holder shall certify compliance with all permit terms and conditions using, at a minimum (but not limited to) the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.
13. The permit holder shall adhere to the provisions in the Compliance Schedule attachment of this permit and submit certified progress reports consistent with the schedule established under 30 TAC § 122.132(e)(4)(C) and including the information specified in 30 TAC § 122.142(e)(2). Those emission units listed in the Compliance Schedule attachment shall adhere with the requirements in the Compliance Schedule attachment until operating fully in compliance with the applicable requirements.
14. Permit holder shall comply with the following 30 TAC Chapter 117 requirement:
  - A. The permit holder shall comply with the compliance schedules and submit written notification to the TCEQ Executive Director as required in 30 TAC Chapter 117, Subchapter H, Division 1:
    - (i) For sources in the Houston-Galveston Nonattainment area, 30 TAC § 117.9020:
      - (1) Title 30 TAC §§ 117.9020(2)(A), (C), and (D)
  - B. The permit holder shall comply with the Initial Control Plan unit listing requirement in 30 TAC §§ 117.350(c) and (c)(1).
15. Use of Emission Credits to Comply with Applicable Requirements:
  - A. Unless otherwise prohibited, the permit holder may use emission credits to comply with the following applicable requirements listed elsewhere in this permit:
    - (i) Title 30 TAC Chapter 115
    - (ii) Title 30 TAC Chapter 117
    - (iii) Offsets for Title 30 TAC Chapter 116
  - B. The permit holder shall comply with the following requirements in order to use the emission credits to comply with the applicable requirements:

- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.306(c)(2)
- (ii) The emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 1
- (iii) The executive director has approved the use of the credit according to 30 TAC § 101.306(c)(2)
- (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.302(g) and 30 TAC Chapter 122

16. Use of Discrete Emission Credits to Comply with Applicable Requirements:

- A. Unless other wise prohibited, the permit holder may use discrete emission credits to comply with the following applicable requirements listed elsewhere in this permit:
  - (i) Title 30 TAC Chapter 115
  - (ii) Title 30 TAC Chapter 117
  - (iii) If applicable, offsets for Title 30 TAC Chapter 116
  - (iv) Temporarily exceed state NSR permit allowables
- B. The permit holder shall comply with the following requirements in order to use the credit to comply with the applicable requirements:
  - (i) The permit holder must notify the TCEQ according to 30 TAC § 101.376(d)
  - (ii) The discrete emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 4
  - (iii) The executive director has approved the use of the discrete emission credits according to 30 TAC § 101.376(d)(1)(A)
  - (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.372(h) and 30 TAC Chapter 122

### **Risk Management Plan**

17. For processes subject to 40 CFR Part 68 and specified in 40 CFR § 68.10, the permit holder shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR Part 68. The permit holder shall submit to the appropriate agency either a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR § 68.10(a), or as part of the compliance certification submitted under this permit, a certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of a risk management plan.

### **Permit Location**

18. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

### **Permit Shield (30 TAC § 122.148)**

19. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

## **ATTACHMENTS**

**Applicable Requirements Summary**

**Additional Monitoring Requirements**

**Permit Shield**

**New Source Review Authorization References**

**Schedules**

**APPLICABLE REQUIREMENTS SUMMARY**

**Unit Summary ..... 13**

**Applicable Requirements Summary ..... 15**

Note: A “none” entry may be noted for some emission sources in this permit’s “Applicable Requirements Summary” under the heading of “Monitoring and Testing Requirements” and/or “Recordkeeping Requirements” and/or “Reporting Requirements.” Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Recordkeeping Terms and Conditions (30 TAC § 122.144), Reporting Terms and Conditions (30 TAC § 122.145), and Compliance Certification Terms and Conditions (30 TAC § 122.146) continue to apply.



### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0001	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP LESS THAN 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS), DAILY THROUGHPUT = NO VALUE
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0002	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP GREATER THAN OR EQUAL TO 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS)
PKGBOILSTK	PACKAGE BOILER	N/A	R7ICI-0001	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	R7ICI-0002	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	PSD	Prevention of Significant Deterioration	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.

### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRPACIDTNK	STORAGE TANKS/VESSELS	T-5, T-6, T-7, T-8	R5112-0001	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
T-16	STORAGE TANKS/VESSELS	N/A	R5112-0004	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.
PREHTRSTK	PREHEATER FOR FURNACE	N/A	R7ICI-0001	30 TAC Chapter 117, Commercial	No changing attributes.

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
BARGE-DOCK	EU	R5211-0001	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(1) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Vapor pressure (at land-based operations). All land-based loading and unloading of VOC with a true vapor pressure less than 0.5 psia is exempt from the requirements of this division, except as specified.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B)	None
BARGE-DOCK	EU	R5211-0002	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(2)(A) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Any plant, excluding gasoline bulk plants, which loads less than 20,000 gpd of VOC with a true vapor pressure of 0.5 psia or greater is exempt from the requirements of this division, except for the specified requirements.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B) § 115.216(3)(D)	None
PKGBOILSTK	EU	R71CI-0001	NOX	30 TAC Chapter 117, Commercial	§117.300 §117.310 §117.335 §117.340 §117.345 §117.350 §117.354	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable monitoring and testing requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
PREHTRSTK	EU	R71CI-0001	NOX	30 TAC Chapter 117, Commercial	§117.300 §117.310 §117.335 §117.340 §117.345 §117.350 §117.354	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable monitoring and testing requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
1	EU	R71CI-0002	NOX	30 TAC Chapter 117, Commercial	§ 117.303	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	None	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
1	EU	PSD	**	Prevention of Significant Deterioration	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2
1	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c) **See CAM Summary	§ 112.2(c)	§ 112.2(b)
1	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b)(2)	Sulfuric acid plants or facilities used exclusively as SO2 control systems, chamber process plants, acid concentrators, or oleum storage and transfer facilities are exempt from this section.	None	None	None
1	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
1	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
1	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None
T-16	EU	R5112-0004	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5) *See Periodic Monitoring	§ 115.116(a)(4) § 115.116(a)(5)	None
GRPACIDTNK	EU	R5112-0001	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5) **See Periodic Monitoring	§ 115.116(a)(4) § 115.116(a)(5)	None
PRO-REGEN	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c)	§ 112.2(c)	§ 112.2(b)

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
PRO-REGEN	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b) § 112.41(b)(1)	Sulfuric acid or oleum facilities may not permit emissions of H2SO4 mist to exceed 0.50 lb/ton (0.25 gram/kg) of 100% H2SO4 produced when burning specified compounds by the contact process.	§ 112.43(b) § 112.43(c) [G]§ 112.43(c)(1) [G]§ 112.43(c)(2) § 112.45(a)	[G]§ 112.45(b)	None
PRO-REGEN	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)
PRO-REGEN	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
PRO-REGEN	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None

**ADDITIONAL MONITORING REQUIREMENTS**

**Compliance Assurance Monitoring Summary ..... 20**  
**Periodic Monitoring Summary ..... 22**

## CAM Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: 1	Applicable Form: OP-UA43
Control Device ID No.: Ammonia Scrubber	Control Device Type: SO2 Scrubber
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 112, Sulfur Compounds	SOP Index No.: REG2-002
Pollutant: SO2	Main Standard: 112.6
MONITORING INFORMATION	
Indicator: Liquid Flow Rate	
Minimum Frequency: once per day	
Averaging Period: n/a*	
Deviation Limit: Minimum liquid flow rate is 650 gallons per minute	
<p>CAM Text: Each monitoring device shall be calibrated at a frequency in accordance with the manufacturer's specifications, other written procedures that provide an adequate assurance that the device is calibrated accurately, or at least annually, whichever is more frequent, and shall be accurate to within one of the following:</p> <ul style="list-style-type: none"> <li>± 2% of span; or</li> <li>± 5% of design liquid flow rate.</li> </ul>	

\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.



## CAM Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: 1	Applicable Form: OP-UA43
Control Device ID No.: Ammonia Scrubber	Control Device Type: SO2 Scrubber
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 112, Sulfur Compounds	SOP Index No.: REG2-002
Pollutant: SO2	Main Standard: 112.6
MONITORING INFORMATION	
Indicator: pH	
Minimum Frequency: once per day	
Averaging Period: n/a*	
Deviation Limit: Minimum pH is 4.5	
CAM Text: Each monitoring device shall be cleaned with an automatic cleaning system, or cleaned weekly using hydraulic, chemical, or mechanical cleaning. Each monitoring device shall be calibrated at a frequency in accordance with the manufacturer's specifications, other written procedures that provide an adequate assurance that the device is calibrated accurately, or at least weekly, whichever is more frequent, and shall be accurate to within $\pm 0.5$ pH unit.	

\* The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.

## Periodic Monitoring Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: GRPACIDTNK	Applicable Form: OP-UA03
Control Device ID No.: 1	Control Device Type: Thermal Incinerator
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 115, Storage of VOCs	SOP Index No.: R5112-0001
Pollutant: VOC	Main Standard: § 115.112(a)(1)
MONITORING INFORMATION	
Indicator: Combustion Temperature/ Exhaust Gas Temperature	
Minimum Frequency: once per week	
Averaging Period: n/a*	
Deviation Limit: Minimum Temperature = 1825	
Periodic Monitoring Text: Measure and record the combustion temperature in the combustion chamber or immediately downstream of the combustion chamber. The monitoring instrumentation shall be maintained, calibrated and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data below the minimum limit shall be considered and reported as a deviation.	

**\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.**

## Periodic Monitoring Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: T-16	Applicable Form: OP-UA03
Control Device ID No.: DOCKVC	Control Device Type: Vapor Combustor
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 115, Storage of VOCs	SOP Index No.: R5112-0004
Pollutant: VOC	Main Standard: § 115.112(a)(1)
MONITORING INFORMATION	
Indicator: Combustion Temperature / Exhaust Gas Temperature	
Minimum Frequency: Once per week	
Averaging Period: n/a*	
Deviation Limit: Minimum temperature = 1400 degrees F	
Periodic Monitoring Text: Measure and record the combustion temperature in the combustion chamber or immediately downstream of the combustion chamber. The monitoring instrumentation shall be maintained, calibrated and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data below the minimum limit shall be considered and reported as a deviation.	

\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.

**PERMIT SHIELD**

**Permit Shield .....25**

### Permit Shield

The TCEQ Executive Director has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

Unit/Group/Process		Regulation	Basis of Determination
ID No.	Group/Inclusive Units		
PKGBOILSTK	N/A	40 CFR Part 60, Subpart Db	Boiler was constructed prior to 06/19/1984.
BTCT	N/A	40 CFR Part 63, Subpart Q	Cooling tower has not operated with chromium based chemicals on or after 09/18/1994.
GRPACIDTNK	T-5, T-6, T-7, T-8	40 CFR Part 60, Subpart K	Tanks were constructed prior to 1973.
T-16	N/A	40 CFR Part 60, Subpart K	Tank was constructed prior to 1973.

**NEW SOURCE REVIEW AUTHORIZATION REFERENCES**

**New Source Review Authorization References .....27**  
**New Source Review Authorization References by Emission Unit.....28**

### New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

PSD Permits	NA Permits
PSD Permit No.: PSD-TX-695M2	NA Permit No.:
PSD Permit No.:	NA Permit No.:
PSD Permit No.:	NA Permit No.:
Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.	
Authorization No.:	Authorization No.:
Authorization No.: 56534	Authorization No.: 9565
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Permits By Rule (30 TAC Chapter 106) for the Application Area	
Number: 106.261	Version No./Date: 11/01/2003
Number: 106.262	Version No./Date: 09/04/2000
Number: 106.371	Version No./Date: 03/14/1997
Number: 106.472	Version No./Date: 03/14/1997
Number: 106.478	Version No./Date: 03/14/1997
Number: 007	Version No./Date: 08/11/1989
Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum	
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:

### New Source Review Authorization References by Emissions Unit

The following is a list of New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
1	FURNACE	9565, PSD-TX-695M2
BARGE-DOCK	SPENT ACID LOADING	56534
BTCT	COOLING TOWER	106.371/03/14/1997
PKGBOILSTK	PACKAGE BOILER	007/08/11/1989
PREHTRSTK	PREHEATER	007/08/11/1989
PRO-REGEN	REGEN PROCESS UNIT	9565
T-16	SPENT ACID STORAGE TANK	56534
T-5	SPENT ACID STORAGE TANK	56534
T-6	SPENT ACID STORAGE TANK	56534
T-7	SPENT ACID STORAGE TANK	56534
T-8	SPENT ACID STORAGE TANK	56534



**SCHEDULES**

**Compliance Schedule ..... 30**

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
<b>A. Identification of Specific Situation of Noncompliance</b>					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
T-16	EU	R5112-0002	VOC	115.112(a)(1)	Storage tank must be controlled by a VRS and control device
<b>B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details</b>					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
115.112(a)(1)		Storage tank must be controlled by a VRS and control device		NSR 56534 permit amendment application	
<b>C. Brief Description of the Noncompliance Situation</b>					
Storage tank with maximum true vapor pressure greater than 1.5 psia is not equipped with a VRS and control device					
<b>D. Brief Description of Corrective Action Plan</b>					
Vapor combustor to be installed to control emissions from T-16 per Permit No. 56534					
<b>E. List of Activities/Milestones to Implement the Corrective Action Plan</b>					
1	Tank T-16 was emptied, cleaned, and removed from service by March 1, 2007 and will remain out of service until the vapor combustor is installed				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
<b>G. Schedule for Submitting Progress Reports</b>			Semi-annual beginning six months after permit issuance.		

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
PREHTRSTK	EU		NOx	117.310(a)(8)(A)(ii)	NOx limit is 0.036 lb/MMBtu (or 30 ppmv NOx, at 3.0% O2, dry basis)
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
117.9020(2)(C)		Perform Stack test		Rhodia Baytown Plant	
C. Brief Description of the Noncompliance Situation					
The preheater (EPN PREHTRSTK) became subject to Chapter 117 requirements in June 2007. The preheater has not been tested to meet the new requirements of Chapter 117					
D. Brief Description of Corrective Action Plan					
Rhodia, Inc will perform the required stack test stated in 30 TAC Chapter 117.9020(2)(C)					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Rhodia, Inc will perform stack test by 08/31/2008				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Quarterly three months after permit issuance.		

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
PREHTRSTK	EU		CO	117.310(c)(1)	CO limit 400 ppmv at 3.0% O <sub>2</sub> , dry basis
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method	Citation	Text Description			
	117.9020(2)(C)	Perform Stack test		Rhodia Baytown Plant	
C. Brief Description of the Noncompliance Situation					
The preheater (EPN PREHTRSTK) became subject to Chapter 117 requirements in June 2007. The preheater has not been tested to meet the new requirements of Chapter 117					
D. Brief Description of Corrective Action Plan					
Rhodia, Inc will perform the required stack test stated in 30 TAC Chapter 117.9020(2)(C)					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Rhodia, Inc will perform stack test by 08/31/2008				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Quarterly three months after permit issuance.		

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
PKGBOILSTK	EU		NOx	117.310(a)(8)(A)(ii)	NOx limit is 0.036 lb/MMBtu (or 30ppmv NOx, at 3.0% O2, dry basis)
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
117.9020(2)(C)		Perform Stack test		Rhodia Baytown Plant	
C. Brief Description of the Noncompliance Situation					
The package boiler ( EPN PKGBOILSTK) became subject to Chapter 117 requirements in June 2007. The package boiler has not been tested to meet the new requirements of Chapter 117					
D. Brief Description of Corrective Action Plan					
Rhodia, Inc will perform the required stack test stated in 30 TAC Chapter 117.9020(2)(C)					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Rhodia, Inc will perform stack test by 08/31/2008				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Quarterly three months after permit issuance.		

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
PKGBOILSTK	EU		CO	117.310(c)(1)	CO limit 400 ppmv at 3.0% O <sub>2</sub> , dry basis
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation	Text Description				
117.9020(2)(C)	Perform Stack test			Rhodia Baytown Plant	
C. Brief Description of the Noncompliance Situation					
The package boiler ( EPN PKGBOILSTK) became subject to Chapter 117 requirements in June 2007. The package boiler has not been tested to meet the new requirements of Chapter 117					
D. Brief Description of Corrective Action Plan					
Rhodia, Inc will perform the required stack test stated in 30 TAC Chapter 117.9020(2)(C)					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Rhodia, Inc will perform stack test by 08/31/2008				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Quarterly three months after permit issuance.		

**APPENDIX A**

**Acronym List ..... 36**

## ACRONYM LIST

The following abbreviations or acronyms may be used in this permit:

ACFM	.....	actual cubic feet per minute
AMOC	.....	alternate means of control
ARP	.....	Acid Rain Program
ASTM	.....	American Society of Testing and Materials
B/PA	.....	Beaumont/Port Arthur (nonattainment area)
CAM	.....	Compliance Assurance Monitoring
CD	.....	control device
COMS	.....	continuous opacity monitoring system
CVS	.....	closed-vent system
D/FW	.....	Dallas/Fort Worth (nonattainment area)
DR	.....	Designated Representative
EIP	.....	El Paso (nonattainment area)
EP	.....	emission point
EPA	.....	U.S. Environmental Protection Agency
EU	.....	emission unit
FCAA Amendments	.....	Federal Clean Air Act Amendments
FOP	.....	federal operating permit
GF	.....	grandfathered
gr/100 scf	.....	grains per 100 standard cubic feet
HAP	.....	hazardous air pollutant
H/G	.....	Houston/Galveston (nonattainment area)
H <sub>2</sub> S	.....	hydrogen sulfide
ID No.	.....	identification number
lb/hr	.....	pound(s) per hour
MMBtu/hr	.....	Million British thermal units per hour
MRRT	.....	monitoring, recordkeeping, reporting, and testing
NA	.....	nonattainment
N/A	.....	not applicable
NADB	.....	National Allowance Data Base
NO <sub>x</sub>	.....	nitrogen oxides
NSPS	.....	New Source Performance Standard (40 CFR Part 60)
NSR	.....	New Source Review
ORIS	.....	Office of Regulatory Information Systems
Pb	.....	lead
PBR	.....	Permit By Rule
PM	.....	particulate matter
ppmv	.....	parts per million by volume
PSD	.....	prevention of significant deterioration
RO	.....	Responsible Official
SO <sub>2</sub>	.....	sulfur dioxide
TSP	.....	total suspended particulate
TVP	.....	true vapor pressure
U.S.C.	.....	United States Code
VOC	.....	volatile organic compound



**OPERATING PERMIT - TECHNICAL SUMMARY**  
**SITE OPERATING PERMIT - SOP**  
**RENEWAL**

Permit #:	<b>O1610</b>	Company:	<b>Rhodia Inc</b>
Project #:	<b>9948</b>	Site:	<b>Rhodia-Baytown Plant</b>
Account #:	<b>HG-0696-Q</b>	Application Area:	<b>Baytown Plant</b>
Regulated Entity #:	<b>Rn100211317</b>	Customer #:	
Region:	<b>12</b>	County:	<b>Harris</b>
SIC Code:	<b>2819</b>	SIC Name:	<b>Industrial Inorganic Chemicals</b>

Permit Reviewer: **Kimberli Evans**

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**PERMIT INFORMATION**

Was confidential information submitted? .....	<b>No</b>
Are any permits being reviewed for New Source Review action? .....	<b>No</b>
Are any units not in compliance? .....	<b>No</b>
Is a Compliance Plan required? .....	<b>Yes</b>
Was the Application Shield removed? .....	<b>No</b>
Are there rule interpretation issues? .....	<b>No</b>
Is there a stringency determination? .....	<b>No</b>
Is a Permit Shield requested? .....	<b>Yes</b>
Is the application subject to acid rain permitting? .....	<b>No</b>
Are there any affected states? .....	<b>No</b>

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**SITE INFORMATION**

Physical Location: Last Industrial Facility on Park Street; Surrounded by Exxon-Mobil  
Nearest City: Baytown  
Major Pollutants: SO<sub>2</sub>, NO<sub>X</sub>, CO  
Additional FOPs: None

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**PROJECT SUMMARY**

The purpose of this project is a renewal/revision of permit 01610 issued to Rhodia Inc. on August 6, 2002. The application was received February 5, 2007 and was timely for the renewal of this permit.

**PROCESS DESCRIPTION**

This site is a sulfuric acid manufacturing plant. The PRO-REGEN unit is the heart of the plant which is designed to produce fresh sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) from reacted sulfuric acids or "sludges" produced by refineries and/or chemical plants. Hydrogen sulfide gas (H<sub>2</sub>S) and natural gas are burned to maintain proper operating parameters and sulfur dioxide (SO<sub>2</sub>) strengths.

The sludge and sulfur gas are sprayed into a combustion furnace (2000°F) where the hydrocarbons and sulfur are burned and the spent sulfuric acid is decomposed. The combustion gases pass through a boiler for heat recovery and then through a scrubbing tower, a direct contact gas cooler (660°F), two electrostatic precipitators,

and a drying tower.

The SO<sub>2</sub> gas is combined with oxygen in a vanadium substrate catalytic converter to convert the SO<sub>2</sub> into sulfur trioxide (SO<sub>3</sub>). From the converter the gas is finally sent to an absorbing tower where SO<sub>3</sub> reacts with water to form sulfuric acid. The gas that exits from the tower is passed through a mist removal element where any entrained acid is removed. The final gas stream enters an ammonia scrubber that reduces the concentration of un-reacted SO<sub>2</sub> gas. The tail gas is exhausted to the atmosphere.

#### **TECHNICAL REVIEW**

An Application for renewal of permit 01610 was submitted on February 2, 2007. All forms associated with a renewal including OP-2, OP-CR01, OP-1, OP-APCS, OP-REQ1, OP-REQ2, OP-REQ3, UA-3, OP-SUMR and OP-MON were received.

Included in the renewal were several revision updates.

- Updated High Level Terms and Conditions for Chapter 117 with newest version of requirements.
- Addition of tank T-6 to group GRPACIDTANK under the authorization of NSR permit 56534
- Addition of preheater PREHTRFURN under the authorization of Standard Exemption 007 version 08/11/1989.
- Change ID No. for unit LOAD-1 to BARGE-DOCK and update NSR authorization to permit 56534
- Updated authorizations for group GRPACIDTANK to NSR permit 56534 and unit PKBOILSTK to Standard Exemption 007 version 08/11/1989.
- Update the longitude and latitude for the site.

After peer review of permit, some minor changes were made. The applicant also submitted more information for unit 1 and PRO-REGEN for 40 CFR 60 Subpart H on October 9, 2007. These new requirements were added to the permit. Review of the permit was completed on Oct. 24, 2007

The draft permit was submitted to the applicant on (date): June 4, 2007

Did the applicant comment on the draft permit? Yes

If yes briefly describe the comments and the changes made to the draft permit (if applicable).

The recent update to Chapter 117 requirements did not fully change on all units. These applicable requirements needed to be updated to site the correct applicable requirements for specific units. The PSD permit authorization had been changed from PSD-TX-695 to PSD-TX-695M2. The name of the PSD needed to be updated. Correct the coordinates of the Longitude and Latitude on the face page of the permit.

#### **PERMIT SHIELD**

The permit shield was reviewed utilizing the IMS to determine negative applicability to requirements of the units on the permit shield and to verify that all data in the IMS is consistent with the word perfect document.

#### **MANUAL CHANGES TO PERMIT**

Longitude and Latitude on face page of permit.

#### **EMISSIONS BANKING AND TRADING PROVISIONS (Pursuant to 30 TAC Chapter 101, Subchapter H)**

**Is the site/permit area located in the Houston/Galveston ozone non-attainment area (as defined in 30 TAC Chapter 101, §101.1): Yes**

**Does the site collectively have an uncontrolled design capacity to emit ten tons or more per year of NO<sub>x</sub>: Yes**

A Special Term and Condition relating to the Mass Emission Cap and Trade Program for the

Houston/Galveston ozone nonattainment area pursuant to 30 TAC Chapter 101, Subchapter H, Division 3, is included in the permit.

### COMPLIANCE ASSURANCE MONITORING (CAM)/ PERIODIC MONITORING (PM)

A review of the permit added additional CAM/PM for the following emission sources subject to the identified regulations:

Emission Unit ID	MS Monitoring Requirement	Applicable Regulatory Requirement	Main Standard	Pollutant
GRPACIDTNK	PM-V-008	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1)	VOC

### COMPLIANCE REVIEW

#### Compliance History

In accordance with 30 TAC Chapter 60, a compliance history report was reviewed on (date): 08/28/2007

The compliance period was from 02/05/2007 to 02/05/2002.

Was the application received after September 1, 2002? Yes

If yes, what was the site rating & classification? High and 0.0

Company rating & classification? Average and 1.51

Is the SOP recommended to be denied on the basis of the compliance history or rating? No

Has the permit changed on the basis of the compliance history or rating? No

#### Enforcement Database Search

The enforcement database was reviewed on 08/28/2007

#### Compliance Status Summary

The site has a compliance plan that has been approved by the regional office for unit T-16. This unit is a storage tank that needs to be controlled by a VRS and control device. The unit is out of service as of March 1, 2007. The vapor combustor will be installed and the unit will be put back in to operation. Progress reports will be submitted semi annually beginning six months after permit issuance.

### STATEMENT OF BASIS

A Statement of Basis sets forth the legal and factual basis for the permit conditions.

The Statement of Basis was prepared on: 08/28/2007

The Statement of Basis GroupWise Document #(OPDP Database): 47187

### PUBLIC NOTICE INFORMATION

Date Public Notice Authorization Package/Legislators letters mailed: 11/01/2007

Publication Date: November 21, 2007 in Baytown Sun

Date faxed copies of notice received:

Date Affidavit received: 11/30/2007

Alternate/Bilingual Language Notice published? Yes

Language: Spanish

Publication Date: November 15, 2007 in La Informacion  
Date faxed copies of notice received:  
Date Affidavit received: 11/30/2007

Date APD-PN2 (Air Permits Public Notice Verification) Received: 01/11/2007


Were Public Comments received? No  
Was a Public Hearing requested? N/A Hearing Held  
Was the Public Hearing request withdrawn?N/A  
Date 'Response to Comments' submitted to Legal: N/A  
Date Legal replied to reviewers 'Response to Comments': N/A  
Did permit change as a result of any public comments? N/A  
Did permit change as a result of any Affected State Comments?N/A  
Was Re-Publication necessary? N/A

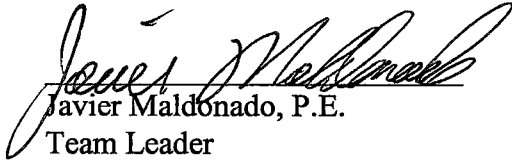
**EPA REVIEW**

Beginning of EPA Review Period: 11/27/2007  
Did the EPA comment on the proposed permit? No

**PUBLIC PETITION PERIOD/FINAL STATE ACTION**

Effective permit issuance date:

  
\_\_\_\_\_  
Kimberli Evans  
Permit Reviewer  
Operating Permits Section  
Air Permits Division

  
\_\_\_\_\_  
Javier Maldonado, P.E.  
Team Leader  
Operating Permits Section  
Air Permits Division

**ATTACHMENTS**

IMS Tracking Elements  
Communication Log  
Administrative Data

# IMS TRACKING ELEMENTS

Project Number: 9948  
 Permit Number: 001610

Project Type: RENEWAL  
 Permit Type: SOP

Company: RHODIA INC  
 Site: RHODIA-BAYTOWN PLANT  
 Account Number: HG-0696-Q  
 Regulated Entity RN: RN100211317  
 SIC: 2819

<u>Assign Date</u>	<u>Last Name</u>	<u>First Name</u>	<u>Project Role</u>	<u>Phone Number</u>
02/28/2007	EVANS	KIMBERLI	REVIEW ENG	(512) 239-1100

<u>Signs</u>	<u>Start Date</u>	<u>Complete Date</u>	<u>Tracking Element</u>	<u>Type</u>
FSA/PPP			DATE OF EFFECTIVE / ISSUED PERMIT / AUTHORIZATION	STANDARD EVENT
FSA/PPP			DATE PROJECT COMPLETED	STANDARD EVENT
FSA/PPP			SECTION MANAGER REVIEW OF FINAL ACTION	STANDARD ACTIVITY
WFO-FINAL			WFO 09 - DATE LETTER MAILED	OPTIONAL EVENT
IS	02/05/2007		DATE APIRT RECEIVED PROJECT	STANDARD EVENT
IS	02/05/2007		DATE INITIAL INFO/APPL/REQUEST RECEIVED BY TCEQ	STANDARD EVENT
IS	02/09/2007		DATE APIRT TRANSFERRED PROJECT TO TECHNICAL STAFF	STANDARD EVENT
TR	03/05/2007		DATE PROJECT RECEIVED BY ENGINEER	STANDARD EVENT
TR	03/08/2007	08/08/2007	TECHNICAL REVIEW PERIOD	STANDARD ACTIVITY
TR	06/04/2007	07/17/2007	WORKING DRAFT PERMIT REVIEW BY APPLICANT	STANDARD ACTIVITY
TR	08/08/2007	09/17/2007	REQUEST FOR COMMENTS ON COMPLIANCE PLAN	OPTIONAL ACTIVITY
TR	08/28/2007		DATE COMPLIANCE HISTORY REVIEW COMPLETED	STANDARD EVENT
TR	09/18/2007		DATE DELINQUENT FEE CHECK COMPLETED	OPTIONAL EVENT
PN	10/05/2007		DATE PNAP DUE TO TEAM LEADER	STANDARD EVENT
PN	10/29/2007	10/29/2007	SECTION MNGR REVIEW OF PN AUTH PKG	STANDARD ACTIVITY
PN	10/29/2007	10/29/2007	TEAM LEADER REVIEW OF PN AUTH PKG	STANDARD ACTIVITY
PN	11/21/2007	12/21/2007	PUBLIC NOTICE COMMENT PERIOD (TITLE V OR NSR #2)	STANDARD ACTIVITY
EPA	11/27/2007	01/14/2008	EPA REVIEW PERIOD	STANDARD ACTIVITY
PN	01/11/2008		DATE SIGN POSTING CERTIFICATION RECEIVED	STANDARD EVENT
FSA/PPP	01/16/2008		TEAM LEADER REVIEW OF FINAL ACTION	STANDARD ACTIVITY

**COMMUNICATION LOG**

<b>Company Name</b>	<b>Application Area</b>	<b>Air Account Number</b>	<b>Regulated Entity Number</b>	<b>IMS Project Number</b>
Rhodia Inc	Baytown Plant	HG-0696-Q	Rn100211317	9948

<b>Contact</b>	<b>Title</b>	<b>Phone or E-Mail</b>	<b>Date</b>	<b>Notes</b>

**ADMINISTRATIVE DATA**

**Responsible Official:** James Harton  
President Eco Services  
Rhodia Inc  
8 Cedar Brook Dr  
Cranbury, NJ 08512-7500

**Duly Authorized Rep:** Al Semaan  
Plant Manager  
Rhodia Inc  
8615 Manchester St  
Houston, TX 77012

**Technical Contact:** William F. Dickerson  
Environmental Manager  
Rhodia Inc  
8615 Manchester St  
Houston, TX 77012

phone: (713) 928-3411

fax: (713) 928-3431

email:

# Statement of Basis of the Federal Operating Permit

Rhodia Inc

Site/Area Name: Baytown Plant

Physical location: Last Industrial Facility on Park Street; Surrounded by Exxon-Mobil

Nearest City: Baytown

County: Harris

Permit Number: O1610

Project Type: Renewal

Standard Industrial Classification (SIC) Code: 2819

SIC Name: Industrial Inorganic Chemicals

This Statement of Basis sets forth the legal and factual basis for the draft permit conditions in accordance with 30 TAC §122.201(a)(4). Per 30 TAC §§ 122.241 and 243, the permit holder has submitted an application under § 122.134 for permit renewal. This document may include the following information:

- A description of the facility/Area Process Description;
- A basis for applying permit shields;
- A list of the federal regulatory applicability determinations;
- A table listing the determination of applicable requirements;
- A list of the New Source Review Requirements;
- The rationale for periodic monitoring methods selected;
- The rationale for compliance assurance methods selected;
- A compliance status; and
- A list of available unit attribute forms.

Prepared on: August 28, 2007



# OPERATING PERMIT BASIS OF DETERMINATION

## PERMIT AREA PROCESS DESCRIPTION

This site is a sulfuric acid manufacturing plant. The PRO-REGEN unit is the heart of the plant which is designed to produce fresh sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) from reacted sulfuric acids or "sludges" produced by refineries and/or chemical plants. Hydrogen sulfide gas (H<sub>2</sub>S) and natural gas are burned to maintain proper operating parameters and sulfur dioxide (SO<sub>2</sub>) strengths.

The sludge and sulfur gas are sprayed into a combustion furnace (2000oF) where the hydrocarbons and sulfur are burned and the spent sulfuric acid is decomposed. The combustion gases pass through a boiler for heat recovery and then through a scrubbing tower, a direct contact gas cooler (660oF), two electrostatic precipitators, and a drying tower.

The SO<sub>2</sub> gas is combined with oxygen in a vanadium substrate catalytic converter to convert the SO<sub>2</sub> into sulfur trioxide (SO<sub>3</sub>). From the converter the gas is finally sent to an absorbing tower where SO<sub>3</sub> reacts with water to form sulfuric acid. The gas that exits from the tower is passed through a mist removal element where any entrained acid is removed. The final gas stream enters an ammonia scrubber that reduces the concentration of un-reacted SO<sub>2</sub> gas. The tail gas is exhausted to the atmosphere.

## ATTAINMENT STATUS/MAJOR SOURCE POLLUTANTS

The area ozone nonattainment classification for Harris County is Moderate.

The table below specifies the pollutants for which the site is a major source:

Major Pollutants	SO <sub>2</sub> , NO <sub>x</sub> , CO
------------------	--

The permit contains terms and conditions that specify the area-wide applicable requirements and a table of applicable requirements for specific emission units in the application area. The "application area" consists of the emission units and that portion of the site included in the application and this permit. When there is only one area for the site, then the application information and permit will include the site.

Additional FOPs: None

## BASIS FOR APPLYING PERMIT SHIELDS

An operating permit applicant has the opportunity to specifically request a permit shield to document that specific applicable requirements do not apply to emission units in the permit. A permit shield is a special condition stating that compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements. A permit shield has been requested for the draft permit and the basis of determination for regulations that the permit applicant does not have to comply with for specific emissions units can be located in the "Permit Shield" attachment of the permit.

## FEDERAL REGULATORY APPLICABILITY DETERMINATIONS

The following chart summarizes the applicability of the principal air pollution regulatory programs to the permit area:

Regulatory Program	Applicability (Yes/No)
Prevention of Significant Deterioration (PSD)	Yes
Nonattainment New Source Review (NNSR)	No
State NSR	Yes
40 CFR Part 60 - New Source Performance Standards	Yes
40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants (NESHAPs)	No
40 CFR Part 63 - NESHAPs for Source Categories	No
Title IV (Acid Rain) of the Clean Air Act (CAA)	No
Title V (Federal Operating Permits) of the CAA	Yes
Title VI (Stratospheric Ozone Protection) of the CAA	No

## INSIGNIFICANT ACTIVITIES

In general, units not meeting the criteria for inclusion on either Form OP-SUM or Form OPREQ1 are not required to be addressed in the operating permit application. Examples of these types of units include, but are not limited to, the following:

1. Office activities such as photocopying, blueprint copying, and photographic processes.
2. Sanitary sewage collection and treatment facilities other than those used to incinerate wastewater treatment plant sludge. Stacks or vents for sanitary sewer plumbing traps are also included.
3. Food preparation facilities including, but not limited to, restaurants and cafeterias used for preparing food or beverages primarily for consumption on the premises.
4. Outdoor barbecue pits, campfires, and fireplaces.
5. Laundry dryers, extractors, and tumblers processing bedding, clothing, or other fabric items generated primarily at the premises. This does not include emissions from drycleaning systems using perchloroethylene or petroleum solvents.
6. Facilities storing only dry, sweet natural gas, including natural gas pressure regulator vents.
7. Any air separation or other industrial gas production, storage, or packaging facility. Industrial gases, for purposes of this list, include only oxygen, nitrogen, helium, neon, argon, krypton, and xenon.
8. Storage and handling of sealed portable containers, cylinders, or sealed drums.
9. Vehicle exhaust from maintenance or repair shops.
10. Storage and use of non-VOC products or equipment for maintaining motor vehicles operated at the site (including but not limited to, antifreeze and fuel additives).
11. Air contaminant detectors and recorders, combustion controllers and shut-off devices, product analyzers,

- laboratory analyzers, continuous emissions monitors, other analyzers and monitors, and emissions associated with sampling activities. Exception to this category includes sampling activities that are deemed fugitive emissions and under a regulatory leak detection and repair program.
12. Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including but not limited to, assorted vacuum producing devices and laboratory fume hoods.
  13. Steam vents, steam leaks, and steam safety relief valves, provided the steam (or boiler feedwater) has not contacted other materials or fluids containing regulated air pollutants other than boiler water treatment chemicals.
  14. Storage of water that has not contacted other materials or fluids containing regulated air pollutants other than boiler water treatment chemicals.
  15. Well cellars.
  16. Fire or emergency response equipment and training, including but not limited to, use of fire control equipment including equipment testing and training, and open burning of materials or fuels associated with firefighting training.
  17. Crucible or pot furnaces with a brim full capacity of less than 450 cubic inches of any molten metal.
  18. Equipment used exclusively for the melting or application of wax.
  19. All closed tumblers used for the cleaning or deburring of metal products without abrasive blasting, and all open tumblers with a batch capacity of 1,000 lbs. or less.
  20. Shell core and shell mold manufacturing machines.
  21. Sand or investment molds with a capacity of 100 lbs. or less used for the casting of metals;
  22. Equipment used for inspection of metal products.
  23. Equipment used exclusively for rolling, forging, pressing, drawing, spinning, or extruding either hot or cold metals by some mechanical means.
  24. Instrument systems utilizing air, natural gas, nitrogen, oxygen, carbon dioxide, helium, neon, argon, krypton, and xenon.
  25. Battery recharging areas.
  26. Brazing, soldering, or welding equipment.

## **DETERMINATION OF APPLICABLE REQUIREMENTS**

The tables below include the applicability determinations for the emission units, the index number(s) where applicable, and all relevant unit attribute information used to form the basis of the applicability determination. The unit attribute information is a description of the physical properties of an emission unit which is used to determine the requirements to which the permit holder must comply. For more information about the descriptions of the unit attributes specific Unit Attribute Forms may be viewed at [http://www.tceq.state.tx.us/permitting/air/nav/air\\_all\\_ua\\_forms.html](http://www.tceq.state.tx.us/permitting/air/nav/air_all_ua_forms.html).

A list of unit attribute forms is included at the end of this document. Some examples of unit attributes include construction date; product stored in a tank; boiler fuel type; etc.. Generally, multiple attributes are needed to determine the requirements for a given emission unit and index number. The table below lists these attributes in the column entitled "Basis of Determination." Attributes that demonstrate that an applicable requirement applies will be the factual basis for the specific citations in an applicable requirement that apply to a unit for that index number. The TCEQ Air Permits Division has developed flowcharts for determining applicability of state and federal regulations based on the unit attribute information in a Decision Support System (DSS). These flowcharts can be accessed via the internet at [http://www.tceq.state.tx.us/permitting/air/nav/air\\_supportsys.html](http://www.tceq.state.tx.us/permitting/air/nav/air_supportsys.html). The Air Permits Division staff may also be contacted for assistance at (512) 239-1250.

The attributes for each unit and corresponding index number provide the basis for determining the specific legal citations in an applicable requirement that apply, including emission limitations or standards, monitoring, recordkeeping, and reporting. The rules were found to apply or not apply by using the unit attributes as answers to decision questions found in the flowcharts of the DSS. Some additional attributes indicate which legal citations of a rule apply. The legal citations that apply to each emission unit may be found in the Applicable Requirements Summary table of the draft permit. There may be some entries or rows of units and rules not found in the permit, or if the permit contains a permit shield, repeated in the permit shield area. These are sets of attributes that describe negative applicability, or; in other words, the reason why a potentially applicable requirement does not apply.

If applicability determinations have been made which differ from the available flowcharts, an explanation of the decisions involved in the applicability determination is specified in the column "Changes and Exceptions to RRT." If there were no exceptions to the DSS, then this column has been removed.

The draft permit includes all emission limitations or standards, monitoring, recordkeeping and reporting required by each applicable requirement. If an applicable requirement does not require monitoring, recordkeeping, or reporting, the word "None" will appear in the Applicable Requirements Summary table. If additional periodic monitoring is required for an applicable requirement, it will be explained in detail in the portion of this document entitled "Rationale for Compliance Assurance Monitoring (CAM)/ Periodic Monitoring Methods Selected."

When attributes demonstrate that a unit is not subject to an applicable requirement, the applicant may request a permit shield for those items. The portion of this document entitled "Basis for Applying Permit Shields" specifies which units, if any, have a permit shield.

#### Operational Flexibility

When an emission unit has multiple operating scenarios, it will have a different index number associated with each operating condition. This means that units are permitted to operate under multiple operating conditions. The applicable requirements for each operating condition are determined by a unique set of unit attributes. For example, a tank may store two different products at different points in time. The tank may, therefore, need to comply with two distinct sets of requirements, depending on the product that is stored. Both sets of requirements are included in the permit, so that the permit holder may store either product in the tank.

## DETERMINATION OF APPLICABLE REQUIREMENTS

Unit ID	Regulation	Index Number	Basis of Determination*	Changes and Exceptions to DSS**
GRPACIDTNK	40 CFR Part 60, Subpart K	60K-0003	40 CFR 60 (NSPS) SUBPART K CONSTRUCTION/MODIFICATION DATE = ON/BEFORE JUNE 11, 1973	
T-16	30 TAC Chapter 115, Storage of VOCs	R5112-0002	ALTERNATE CONTROL REQUIREMENT [REG V] = NOT USING ALTERNATE METHOD FOR DEMONSTRATING AND DOCUMENTING CONTINUOUS COMPLIANCE. 30 TAC CHAPTER 115 (REG V) PRODUCT STORED = VOC OTHER THAN CRUDE OIL OR CONDENSATE 30 TAC CHAPTER 115 (REG V) STORAGE CAPACITY = CAPACITY GREATER THAN 40,000 GALLONS 30 TAC CHAPTER (REG V) 115 TANK DESCRIPTION = TANK/VESSEL USING VAPOR RECOVERY SYSTEM TRUE VAPOR PRESSURE (TVP) AT STORAGE CONDITIONS [REG V] = TRUE VAPOR PRESSURE GREATER THAN OR EQUAL TO 1.5 PSIA 30 TAC CHAPTER 115 (REG V) CONTROL DEVICE TYPE = OTHER VAPOR DESTRUCTION UNIT	
T-16	40 CFR Part 60, Subpart K	60K-0003	40 CFR 60 (NSPS) SUBPART K CONSTRUCTION/MODIFICATION DATE = ON/BEFORE JUNE 11, 1973	
BARGE-DOCK	30 TAC Chapter 115, Loading and Unloading of VOC	R5211-0001	30 TAC CHAPTER 115 (REG V) FACILITY TYPE = OTHER FACILITY TYPE ALTERNATE CONTROL REQUIREMENT (ACR) [REG V] = NO ALTERNATE CONTROL REQUIREMENTS ARE BEING UTILIZED PRODUCT TRANSFERRED = VOLATILE ORGANIC COMPOUNDS (VOC) OTHER THAN LPG AND GASOLINE TRANSFER TYPE = LOADING AND UNLOADING TRUE VAPOR PRESSURE [REG V] = TVP LESS THAN 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS)	
BARGE-DOCK	30 TAC Chapter 115, Loading and Unloading of VOC	R5211-0002	30 TAC CHAPTER 115 (REG V) FACILITY TYPE = OTHER FACILITY TYPE ALTERNATE CONTROL REQUIREMENT (ACR) [REG V] = NO ALTERNATE CONTROL REQUIREMENTS ARE BEING UTILIZED PRODUCT TRANSFERRED = VOLATILE ORGANIC COMPOUNDS (VOC) OTHER THAN LPG AND GASOLINE TRANSFER TYPE = LOADING AND UNLOADING	

Unit ID	Regulation	Index Number	Basis of Determination*	Changes and Exceptions to DSS**
			TRUE VAPOR PRESSURE [REG V] = TVP GREATER THAN OR EQUAL TO 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS) DAILY THROUGHPUT [REG V] = LOADING LESS THAN 20,000 GALLONS PER DAY	
1	30 TAC Chapter 117, Commercial	R7ICI-0002	UNIT TYPE [REG VII] = PROCESS HEATER MAXIMUM RATED CAPACITY [REG VII] = MAXIMUM RATED CAPACITY GREATER THAN 100 MMBTU/HOUR AND LESS THAN OR EQUAL TO 200 MMBTU/HOUR RACT DATE PLACED IN SERVICE = ON/BEFORE NOVEMBER 15 1992 FUEL TYPE #1 [REG VII] = GASEOUS ANNUAL HEAT INPUT [REG VII] = ANNUAL HEAT INPUT GREATER THAN TO 2.2(10**11) BTU/YEAR BASED ON A 12-MONTH ROLLING AVERAGE [MAXIMUM RATED CAPACITY = '100-200' OR '200+'] NOX EMISSION LIMITATION = UNIT EXEMPT FROM 30 TAC CHAPTER 117 REQUIREMENTS AND NOT INCLUDED IN THE ALTERNATIVE PLANT-WIDE EMISSIONS SPECIFICATIONS OR SOURCE CAP	
PKGBOILSTK	40 CFR Part 60, Subpart Db	60DB-0001	40 CFR 60 (NSPS) SUBPART DB CONSTRUCTION/MODIFICATION (RECONSTRUCTION) DATE = ON/BEFORE JUNE 19, 1984 (SOP/TOP APPLICATIONS)	
BTCT	40 CFR Part 63, Subpart Q	63Q-0001	USED CHROMIUM COMPOUNDS AFTER SEPT. 8 1994 (MACT Q) = INDUSTRIAL PROCESS COOLING TOWER DID NOT USE COMPOUNDS CONTAINING CHROMIUM AFTER SEPTEMBER 8, 1994.	
1	30 TAC Chapter 112, Sulfur Compounds	REG2-002	30 TAC (NSPS) SUBPART V FACILITY TYPE = SULFURIC ACID PLANT BURNING ONE OF THE MATERIALS SPECIFIED IN 112.41 EXCEPT ELEMENTAL SULFUR BY CONTACT PROCESS EFFECTIVE STACK HEIGHT [REG II] = EFFECTIVE STACK HEIGHT IS NOT LESS THAN STANDARD EFFECTIVE STACK HEIGHT PRODUCTION CAPACITY [REG II] = PRODUCTION CAPACITY GREATER THAN 300 TONS PER DAY (EXPRESSED AS 100% ACID) FACILITY USE [REG II] = PLANT USED EXCLUSIVELY AS A SULFUR DIOXIDE CONTROL SYSTEM CHAMBER PROCESS PLANT OR OLEUM TRANSFER AND STORAGE FACILITY	

Unit ID	Regulation	Index Number	Basis of Determination*	Changes and Exceptions to DSS**
1	40 CFR Part 60, Subpart H	60H-001	<p>40 CFR 60 (NSPS) SUBPART H CONSTRUCTION/MODIFICATION (RECONSTRUCTION) DATE = AFTER AUGUST 17 1971</p> <p>PROCESS DESIGN [NSPS H] = SOURCE DOES NOT PROCESS ELEMENTAL SULFUR OR AN ORE THAT CONTAINS ELEMENTAL SULFUR AND USE AIR TO SUPPLY OXYGEN</p>	
PRO-REGEN	30 TAC Chapter 112, Sulfur Compounds	REG2-002	<p>30 TAC (NSPS) SUBPART V FACILITY TYPE = SULFURIC ACID PLANT BURNING ONE OF THE MATERIALS SPECIFIED IN 112.41 EXCEPT ELEMENTAL SULFUR BY CONTACT PROCESS</p> <p>EFFECTIVE STACK HEIGHT [REG II] = EFFECTIVE STACK HEIGHT IS NOT LESS THAN STANDARD EFFECTIVE STACK HEIGHT</p> <p>PRODUCTION CAPACITY [REG II] = PRODUCTION CAPACITY GREATER THAN 300 TONS PER DAY (EXPRESSED AS 100% ACID)</p> <p>FACILITY USE [REG II] = PLANT USED EXCLUSIVELY AS A SULFUR DIOXIDE CONTROL SYSTEM CHAMBER PROCESS PLANT OR OLEUM TRANSFER AND STORAGE FACILITY</p>	
PRO-REGEN	40 CFR Part 60, Subpart H	60H-001	<p>40 CFR 60 (NSPS) SUBPART H CONSTRUCTION/MODIFICATION (RECONSTRUCTION) DATE = AFTER AUGUST 17 1971</p> <p>PROCESS DESIGN [NSPS H] = SOURCE DOES NOT PROCESS ELEMENTAL SULFUR OR AN ORE THAT CONTAINS ELEMENTAL SULFUR AND USE AIR TO SUPPLY OXYGEN</p>	

\* - The "unit attributes" or operating conditions that determine what requirements apply

\*\* - Notes changes made to the automated results from the DSS, and a brief explanation why

## NEW SOURCE REVIEW REQUIREMENTS

Below is a list of the New Source Review (NSR) permits for the permitted area. These NSR permits are incorporated by reference into the operating permit and are enforceable under it. These permits can be found in the main TCEQ file room, located on the first floor of Building E, 12100 Park 35 Circle, Austin, Texas. The Office of Public Assistance (OPA) may be contacted at 1-800-687-4040 for help with any question.

Additionally, the site contains emission units that are permitted by rule under the requirements of 30 TAC Chapter 106, Permits by Rule. The following table specifies the permits by rule that apply to the site. All current permits by rule are contained in Chapter 106. Outdated 30 TAC Chapter 106 permits by rule may be viewed at the following website: [www.tceq.state.tx.us/permitting/air/permitbyrule/historical\\_rules/old106list/index106.html](http://www.tceq.state.tx.us/permitting/air/permitbyrule/historical_rules/old106list/index106.html). Outdated Standard Exemption lists may be viewed at the following website: [www.tceq.state.tx.us/permitting/air/permitbyrule/historical\\_rules/oldselist/se\\_index.html](http://www.tceq.state.tx.us/permitting/air/permitbyrule/historical_rules/oldselist/se_index.html)

PSD Permits	NA Permits
PSD Permit No.: PSD-TX-695M2	NA Permit No.:
PSD Permit No.:	NA Permit No.:
PSD Permit No.:	NA Permit No.:
Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.	
Authorization No.:	Authorization No.:
Authorization No.: 56534	Authorization No.: 9565
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Permits By Rule (30 TAC Chapter 106) for the Application Area	
Number:	Version No./Date:
Number: 007	Version No./Date: 08/11/1989
Number: 106.261	Version No./Date: 11/01/2003
Number: 106.262	Version No./Date: 09/04/2000
Number: 106.371	Version No./Date: 03/14/1997
Number: 106.472	Version No./Date: 03/14/1997
Number: 106.478	Version No./Date: 03/14/1997
Number:	Version No./Date:
Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum	
Permit No.:	Permit No.:



Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:

**EMISSION UNITS AND EMISSION POINTS**

In air permitting terminology, any source capable of generating emissions (for example, an engine or a sandblasting area) is called an Emission Unit. For purposes of Title V, emission units are specifically listed in the operating permit when they have applicable requirements other than New Source Review (NSR), or when they are listed in the permit shield table.

The actual physical location where the emissions enter the atmosphere (for example, an engine stack or a sandblasting yard) is called an emission point. For New Source Review preconstruction permitting purposes, every emission unit has an associated emission point. Emission limits are listed in an NSR permit, associated with an emission point. This list of emission points and emission limits per pollutant is commonly referred to as the "Maximum Allowable Emission Rate Table", or "MAERT" for short. Specifically, the MAERT lists the Emission Point Number (EPN) that identifies the emission point, followed immediately by the Source Name, identifying the emission unit that is the source of those emissions on this table.

Thus, by reference, an emission unit in a Title V operating permit is linked by reference number to an NSR authorization, and its related emission point.

**RATIONALE FOR COMPLIANCE ASSURANCE MONITORING (CAM)/ PERIODIC MONITORING METHODS SELECTED**

**Periodic Monitoring:**

The Federal Clean Air Act requires that each federal operating permit include monitoring sufficient to assure compliance with the terms and conditions of the permit. Most of the emission limits and standards applicable to emission units at Title V sources include adequate monitoring to show that the units meet the limits and standards. For those requirements that do not include monitoring, or where the monitoring is not sufficient to assure compliance, the federal operating permit must include such monitoring for the emission units affected. The following emission units are subject to periodic monitoring requirements because the emission units are subject to an emission limitation or standard for an air pollutant (or surrogate thereof) in an applicable requirement that does not already require monitoring, or the monitoring for the applicable requirement is not sufficient to assure compliance:

UNIT/GROUP/PROCESS INFORMATION	
ID No.: GRPACIDTNK	Applicable Form: OP-UA03
Control Device ID No.: N/A	Control Device Type: N/A
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 115, Storage of VOCs	SOP Index No.: R5112-0001
Pollutant: VOC	Main Standard: § 115.112(a)(1)
MONITORING INFORMATION	
Indicator: Combustion Temperature/ Exhaust Gas Temperature	
Minimum Frequency: once per week	
Averaging Period: n/a*	
Deviation Limit: Minimum Temperature = 1825	
<p>Basis of Determination: To achieve the proper destruction efficiency the thermal incinerator must be maintained above a baseline temperature. Operation below the minimum combustion temperature will result in incomplete combustion. The monitoring of the combustion temperature of a thermal incinerator is commonly required in federal and state rules, including: 40 CFR Part 60, Subparts III, NNN, QQQ, and RRR; 40 CFR Part 61, Subparts BB and FF; 40 CFR Part 63, Subparts G, R, DD, EE, and HH; and 30 TAC Chapter 115.</p>	

## COMPLIANCE REVIEW

### Compliance History

In accordance with 30 TAC Chapter 60, a compliance history report was reviewed on (date): 08/28/2007

The compliance period was from 02/05/2007 to 02/05/2002.

Was the application received after September 1, 2002? Yes

If yes, what was the site rating & classification? High and 0.0

Company rating & classification? Average and 1.51

Is the SOP recommended to be denied on the basis of the compliance history or rating? No

Has the permit changed on the basis of the compliance history or rating? No

### Enforcement Database Search

The enforcement database was reviewed on 08/28/2007

### Compliance Status Summary

The site has a compliance plan that has been approved by the regional office for unit T-16. This unit is a storage tank that needs to be controlled by a VRS and control device. The unit is out of service as of March 1, 2007. The vapor combustor will be installed and the unit will be put back in to operation. Progress reports will be submitted semi annually beginning six months after permit issuance.

## AVAILABLE UNIT ATTRIBUTE FORMS

- OP-UA1 - Miscellaneous and Generic Unit Attributes
- OP-UA2 - Stationary Reciprocating Internal Combustion Engine Attributes
- OP-UA3 - Storage Tank/Vessel Attributes
- OP-UA4 - Loading/Unloading Operations Attributes
- OP-UA5 - Process Heater/Furnace Attributes
- OP-UA6 - Boiler/Steam Generator/Steam Generating Unit Attributes
- OP-UA7 - Flare Attributes
- OP-UA8 - Coal Preparation Plant Attributes
- OP-UA9 - Nonmetallic Mineral Process Plant Attributes
- OP-UA10 - Gas Sweetening/Sulfur Recovery Unit Attributes
- OP-UA11 - Stationary Turbine Attributes
- OP-UA12 - Fugitive Emission Unit Attributes
- OP-UA13 - Industrial Process Cooling Tower Attributes
- OP-UA14 - Water Separator Attributes
- OP-UA15 - Emission Point/Stationary Vent/Distillation Operation/Process Vent Attributes
- OP-UA16 - Solvent Degreasing Machine Attributes
- OP-UA17 - Distillation Unit Attributes
- OP-UA18 - Surface Coating Operations attributes
- OP-UA19 - Wastewater Unit Attributes
- OP-UA20 - Asphalt Operations Attributes
- OP-UA21 - Grain Elevator Attributes

OP-UA22 - Printing Attributes  
OP-UA24 - Wool Fiberglass Insulation Manufacturing Plant Attributes  
OP-UA25 - Synthetic Fiber Production Attributes  
OP-UA26 - Electroplating and Anodizing Unit Attributes  
OP-UA27 - Nitric Acid Manufacturing Attributes  
OP-UA28 - Polymer Manufacturing Attributes  
OP-UA29 - Glass Manufacturing Unit Attributes  
OP-UA30 - Kraft, Soda, Sulfit, and Stand-Alone Semichemical Pulp Mill Attributes  
OP-UA31 - Lead Smelting Attributes  
OP-UA32 - Copper and Zinc Smelting/Brass and Bronze Production Attributes  
OP-UA33 - Metallic Mineral Processing Plant Attributes  
OP-UA34 - Pharmaceutical Manufacturing  
OP-UA35 - Incinerator Attributes  
OP-UA36 - Steel Plant Unit Attributes  
OP-UA37 - Basic Oxygen Process Furnace Unit Attributes  
OP-UA38 - Lead-Acid Battery Manufacturing Plant Attributes  
OP-UA39 - Sterilization Source Attributes  
OP-UA40 - Ferroalloy Production Facility Attributes  
OP-UA41 - Dry Cleaning Facility Attributes  
OP-UA42 - Phosphate Fertilizer Manufacturing Attributes  
OP-UA43 - Sulfuric Acid Production Attributes  
OP-UA44 - Municipal Solid Waste Landfill/Waste Disposal Site Attributes  
OP-UA45 - Surface Impoundment Attributes  
OP-UA46 - Epoxy Resins and Non-Nylon Polyamides Production Attributes  
OP-UA47 - Ship Building and Ship Repair Unit Attributes  
OP-UA48 - Air Oxidation Unit Process Attributes  
OP-UA49 - Vacuum-Producing System Attributes  
OP-UA50 - Fluid Catalytic Cracking Unit Catalyst Regenerator/Fuel Gas Combustion Device/Claus Sulfur Recovery Plant Attributes  
OP-UA51 - Dryer/Kiln/Oven Attributes  
OP-UA52 - Closed Vent Systems and Control Devices  
OP-UA53 - Beryllium Processing Attributes  
OP-UA54 - Mercury Chlor-Alkali Cell Attributes  
OP-UA55 - Transfer System Attributes  
OP-UA56 - Vinyl Chloride Process Attributes  
OP-UA57 - Cleaning/Depainting Operation Attributes  
OP-UA58 - Treatment Process Attributes  
OP-UA59 - Coke By-Product Recovery Plant Attributes  
OP-UA60 - Chemical Manufacturing Process Unit Attributes  
OP-UA61 - Pulp, Paper, or Paperboard Producing Process Attributes  
OP-UA62 - Glycol Dehydration Unit Attributes  
OP-UA63 - Vegetable Oil Production Attributes



AIR PERMITS DIVISION

JAN 11 2008

RECEIVED

**Eco Services Enterprise  
Houston/Baytown Plants**

RHODIA INC.  
8615 MANCHESTER STREET  
HOUSTON, TX. 77012

**CERTIFIED MAIL: Return Receipt Requested (7007 0220 0000 4422 3025)**

January 7, 2008

TCEQ  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Rhodia Inc.  
Baytown, Harris County  
Public Notice Verification Form  
Title V Permit Public Notice  
Permit No.: O-1610  
Customer Number: CN600125330  
Regulated Entity Number: RN100211317  
TCEQ Account No.: HG-0696-Q

Dear Sir or Madame:

Please find the original Public Notice Verification Form and Form OP-CRO1 for the Public Notification on the Rhodia Baytown, Texas Title V Air Permit No. O-1610 renewal.

If there are any questions, please do not hesitate to contact me at (713) 924-1408.

Sincerely,

W. F. Dickerson  
Environmental Manager

Enclosures

cc: Ms. Kimberli Evans, Air Permits Division (MC-163), TCEQ Austin ✓  
Air Section Manager, TCEQ Region 12  
Dr. Bud Karachiwala, Harris County Pollution Control Department



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OCC# \_\_\_\_\_

(TCEQ use only)

Public Notice Verification Form

Air Permit

Applicant Name: Rhodia Inc.

Site or Facility Name: Rhodia, Baytown Plant

TCEQ Account Number (if applicable): HG-0696-Q Permit Number: O-1610

Regulated Entity Number: RN100211317 Customer Number: CN600125330

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. For more information regarding public notice refer to the instructions in the public notice package.

ALTERNATIVE LANGUAGE CHECKLIST
I have contacted the appropriate school district.
A bilingual education program is required by the Texas Education Code in the district.
School District: Goose Creek Independent School District Phone:
Person Contacted: Date:
The name of the elementary school nearest to the proposed or existing facility is: Pumphrey Elementary
The name of the middle school nearest to the proposed or existing facility is: Horace Mann Junior High
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district.
The following language(s) is/are utilized in the bilingual program: Spanish
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the Instructions for Public Notice and certify as applicable on this form.

ALTERNATIVE LANGUAGE VERIFICATION
I verify that the area addressed by this permit application is subject to alternative language public notice requirements.
I verify that the applicant has conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located (or proposed to be located).
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required.
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located).
Newspaper: Language: Spanish
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable)
I verify that original tear sheets of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ.
Signed by: Applicant: Rhodia Inc.
Title: Environmental Manager Date: 12/21/07



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OCC# \_\_\_\_\_ (TCEQ use only)

Public Notice Verification Form
Air Permit

Applicant Name: Rhodia Inc.
Site or Facility Name: Rhodia Baytown Plant
TCEQ Account Number (if applicable): HG-0697-O Permit Number: O-1610
Regulated Entity Number: RN100211317 Customer Number: CN600125330

NEW SOURCE REVIEW PERMIT NOTICE VERIFICATION

I verify that the required signs (for 2nd notice) were posted in accordance with the regulations and instructions of the TCEQ.

YES [ ] NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ.

YES [ ] NO

Notice of Receipt of Application and Intent to Obtain Permit (2nd Notice):

I verify that a copy of the complete air quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.

YES [ ] NO

Notice of Application and Preliminary Decision (2nd Notice, if applicable):

I verify that a copy of the complete air quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and

I also verify that the air quality application and draft permit, and any revisions, will remain in the designated public place until either:

- 1) the TCEQ acts on the application; or
2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing.

YES [ ] NO

Name and Address of Public Place:

Signed by:

Title:

Date:

FEDERAL OPERATING PERMIT (TITLE V) NOTICE VERIFICATION

I verify that the required signs were posted in accordance with the regulations and instructions of the TCEQ.

ξ YES [ ] NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instruction of the TCEQ.

ξ YES [ ] NO

I verify that a copy of the complete air quality application and draft permit, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.

ξ YES [ ] NO

Name and Address of Public Place: Sterling Municipal Library, Baytown, Texas

Signed by: [Signature]

Title: Environmental Manager

Date: 12/21/07



**Form OP-CRO1**  
**Certification by Responsible Official**  
**Federal Operating Permit Program**

All initial permit application, revision, renewal, and reopening submittals requiring certification must be addressed using this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications, other than public notice verification materials, must be certified prior to authorization of public notice or start of public announcement. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

<b>I. IDENTIFYING INFORMATION</b>		
A. RN: 100211317	B. CN: 600125330	C. Account No.: HG-0696-Q
D. Permit No.: O-01610	E. Project No.:	
F. Area Name: Houston Plant		
G. Company Name: Rhodia Inc.		
<b>II. CERTIFICATION TYPE (Please mark the appropriate box)</b>		
A. <input type="checkbox"/> Responsible Official:	B. <input checked="" type="checkbox"/> Duly Authorized Representative:	
<b>III. SUBMITTAL TYPE (Place an "X" in the appropriate box) (Only one response can be accepted per form)</b>		
<input type="checkbox"/> SOP/TOP Initial Permit Application	<input type="checkbox"/> Update to Permit Application	
<input type="checkbox"/> GOP Initial Permit Application	<input type="checkbox"/> Permit Revision, Renewal, or Reopening	
<input checked="" type="checkbox"/> Other: Verification of Publication for Title V Permit Public Notice		
<b>IV. CERTIFICATION OF TRUTH</b>		
This certification does not extend to information which is designated by the TCEQ as information for reference only.		
I, <u>Al Semaan</u> , certify that I am the <u>DAR</u> for this application <i>(Certifier Name printed or typed)</i> <span style="float:right"><i>(RO or DAR)</i></span>		
and that, based on information and belief formed after reasonable inquiry, the statements and information dated during the time period in Section IV.A below, or on the specific date(s) in Section IV.B below, are true, accurate, and complete:		
<i>Note: Enter EITHER a Time Period OR Specific Date(s) for each certification. This section must be completed. The certification is not valid without documentation date(s).</i>		
A. Time Period: From <u>November 21, 2007</u> to <u>December 20, 2007</u> <span style="margin-left: 100px;"><i>Start Date*</i></span> <span style="margin-left: 150px;"><i>End Date*</i></span>		
OR		
B. Specific Dates: _____ <span style="margin-left: 40px;"><i>Date 1*</i></span> <span style="margin-left: 40px;"><i>Date 2*</i></span> <span style="margin-left: 40px;"><i>Date 3*</i></span> <span style="margin-left: 40px;"><i>Date 4*</i></span> <span style="margin-left: 40px;"><i>Date 5*</i></span> <span style="margin-left: 40px;"><i>Date 6*</i></span> <span style="margin-left: 40px;"><i>Date 7*</i></span> <span style="margin-left: 40px;"><i>Date 8*</i></span>		
<i>*The Time Period option may only be used when the "Submittal Type" is 'Update to Permit Application' and there are multiple uncertified submittals; or a submittal package has multiple dates recorded in the documentation. Do not use the Time Period option if the "Submittal Type" is 'Other.'</i>		
Signature:		Signature Date: <u>1/7/07</u>
Title: <u>Plant Manager</u>		





AIR PERMITS DIVISION

NOV 30 2007

Eco Services Enterprise  
Houston/Baytown Plants

RECEIVED

RHODIA INC.  
P.O. BOX 3331  
3439 PARK ST.  
BAYTOWN, TX. 77522-3331

**CERTIFIED MAIL: Return Receipt Requested (7007 0220 0000 4422 2882)**

November 26, 2007

TCEQ  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Rhodia Inc.  
Baytown, Harris County  
Proof of Publication  
Renewal of Permit Number: O1610  
Baytown Plant  
Customer Number: CN600125330  
Regulated Entity Number: RN100211317

Dear Sir or Madame:

Please find the original newspaper clippings and affidavit of publication for the Public Notification on the Rhodia Baytown, Texas for the above mentioned Draft Federal Operating Permit. The notices were published in the Baytown Sun on November 21, 2007 and in La Informacion on November 15, 2007.

If there are any questions, please do not hesitate to contact me at (713) 924-1408.

Sincerely,

W. F. Dickerson  
Environmental Manager

Enclosures

cc: Texas Commission on Environmental Quality ✓  
Office of Permitting, Remediation, and Registration  
Air Permits Division, MC-163  
Attn: Ms. Kimberli Evans  
P.O. Box 13087  
Austin, TX 78711-3087

Air Program Section Manager  
TCEQ Region 12  
5425 Polk Street, Suite H  
Houston, TX 77023-1486

Mr. Badruddin (Bud) Karachiwala  
Division Director  
Harris County Public Health and Environmental Services  
Environmental Public Health Division  
107 North Munger  
Pasadena, TX 77506

TCEQ - Office of the Chief Clerk  
Attn: Notice Team (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

Applicant Name: Rhodia Inc  
Permit No.: 01610  
Notice of Draft Federal Operating Permit

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §  
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared Clifton E. Clements, who being by me duly  
*(name of newspaper representative)*

sworn, deposes and says that (s)he is the publisher  
*(title of newspaper representative)*

of the The Baytown Sun; that said newspaper is  
*(name of newspaper)*

regularly published in HARRIS County, Texas, and is of general circulation  
in Baytown, Texas; that the attached notice  
*(nearest municipality to the site)*

was published in said newspaper on the following date(s):  
November 21, 2007

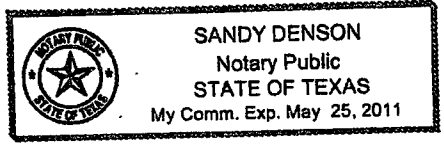
[Signature]  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 21 day of Nov., 2007, to certify which  
witness my hand and seal of office.

(Seal)

Sandy Denson  
Notary Public in and for the State of Texas  
Sandy Denson  
Print or Type Name of Notary Public

05/25/2011  
My Commission Expires



The Baytown Sun

# CLASSIFIEDS

Great homesite, perfect for horses & cattle. \$45,000. 713-248-8170

## 304 Business Property

OFFICES 4 RENT start @ \$199 mo. 701 W. Sterling 281-837-0361

WAREHOUSE 2 BUILDINGS 15,000 SQ + 3,000 SQ on 4 (+) acres for sale. Call for more info 713-628-0366

## 313 Mobile Homes For Sale

1965 2/1 MOBILE HOME GREAT FOR DEER CAMP! Call for details. 985-748-4625 or 713-824-4418



**BAY OAKS HARBOR**  
1 bedroom 1 bath cozy manufactured home. Large covered deck central air & heat. \$20's FB-142

**Great in the \$80's**  
2 or 3 bedroom home with new carpet in 2 bedrooms, new vinyl in kitchen & large storage building. H-507

FSBO 4/2 DW ON 3 QUARTERS ACRE IN BHISD \$70K 832-262-7040 OR 832-262-6157

MOBILE HOME, 14X80, 3/2, set up in park. Fenced yard. Asking \$68,000 FIRM. Call 832-473-2743 Ask for Harry

MUST SALE. OWNER

CHECK OUT THE NEW ROYAL PLACE APTS!! 1,2 & 3 bedrooms avail. from \$425 Clean & Quiet. Se Habla Espanol 281-837-5958

CLEAN FURNISHED 1/1 CONVENIENT location. Adults. No pets. All utilities paid \$695 by appointment 281-422-4788

EFF APT. Furnished w/ all bills paid. Quiet & private. NS, No pets \$500/mo. + \$250/dep. 281-703-7194

EFF GARAGE APT + CP (Highlands) 450sq.ft.C/A/H W/D conn. Very nice, lots of storage.\$440/mo. Water & trash paid.832-723-5150

EFFICIENCY APT FURN. AB Pd w/ private yard \$550/mo No lease 30 day notice on move out, 211 N. Main, Highlands, 281-421-1208 Katie 281-421-4659 Gable

LEEWOOD APTS \$199 MOVE- IN SPECIAL 1-1 \$375/mo, 2-2 \$475 2-2 Th \$550 3-2 Apt \$675. 281-837-0005

MORE FOR LESS BIG SQUARE FOOTAGE FOR LITTLE MONEY \*SPECIAL\* 1 Month Rent FREE w/ 1 Year Lease Come in Come see & Come live at Creekside Apt 281-427-0673

ONE CALL DOES IT ALL! Free Apartment Locating Keyfinders ALS 281-422-3586

406 Mobile Homes

Don't get lousy gifts to everyone on your list- all from the comfort of home. Just Call me or visit my Mary Kay personal Web Site. You'll find pampering products, fragrances and more at your convenience \*Gift Wrapping Available\* Sherrie Lehman 832-922-5279

## 502 Child/Adult Care

CNA LOOKING TO CARE for your Elderly loved one, 20+ yrs exp. Excellent references. 281-428-2831

## 601 General Articles

\*\*OAK FIREWOOD\*\* CAMP-WOOD 281-576-6685

\*\*OAK FIREWOOD\*\* FOR SALE DELIVERED 281-576-6685

06 Riding Lawn Mower 42 in Craftman 18.5 HP \$500 281-424-8161

3 ELECTRIC SCOOTERS like new condition, 9N Ford Tractor \$500, pool table \$250, 4' bush hog type mower, \$350, 713-204-1664

FIREWOOD FOR SALE 281-426-3311 Delivered and Stacked.

FRC CARHARTT XL NEVER USED Special Order Thermal line Jacket. Elastic Bottom Paid \$375 Asking \$250

\$200 obo 281-573-3025 leave msg, 832-655-0208

## 607 Portable Buildings

SITE BUILT Wood Bldgs. 12X16 - \$1875 12X24 - \$2450 832-567-8820

WOOD BUILDINGS 10x12, \$1249 12x24, \$2199 Free Delv. 713-480-6403

## 608 Machinery-Equipment

WELDING MACHINE on 6' trailer, 1994 Miller Bobcat, 225G, CC/CV-AC/DC, gasoline, 8000w generator w/ladder rack \$2700 281-422-4860

## 609 Livestock-Supplies

DONKEY FOR SALE \$99.00 281-573-2347

GOATS AND PEACOCKS FOR sale. From \$55.00-\$125.00. 6713 Sjolander, Sat & Sun.

## 610 Pets-Supplies

(F) LAB, AKC & CKC reg. Breeder of family pet, \$75. 936-257-1189

2 IRON BIRD CAGES for sale. \$100.00 each. 1 extra large ferret cage \$100.00. Call 281-507-5361

3 YR OLD STAFFORDSHIRE Bull Terrier w/papers, 2 Staffordshire mix 8wks. 832-262-3694

5 FREE 1/4 PERSIAN,

The Baytown Sun has an opening for an experienced Telemarketer. Computer experience and organizational skills a must. Please email your resume to: Gordon.Gallatin@baytownsun.com or The Baytown Sun Attn: Gordon Gallatin 1301 Memorial Drive Baytown, Texas 77520 EOE

Mon-Fri 8am -5pm

## 704 Medical

\*HAPPY HARBOR\* METHODIST RETIREMENT COMMUNITY

We are accepting applications for the following Positions. Certified Activity Director Certified Nursing Assistant's 2p-10p F/T Laundry Technicians Cooks and Dietary Assistants F/T & P/T

We offer an excellent benefit package for all employees & Competitive Salary Please apply in person at 1106 Bayshore Dr. La Porte, TX

M.A. BACK OFFICE. Bi-Lingual, Busy family practice in East Houston. Fax 713-453-7322

MANY COMPANIES SAY WE'RE Different! LVN's: 3pm-11pm CNA's : 3pm-11pm \$500 Sign-on & Referral bonus Apply in person at

\*\* OVERHEAD CRANE OPERATORS \*\*GENERAL LABORERS for pipe yard \*WAREHOUSE WORKERS to load / unload trucks \*GENERAL MECHANIC w/ hydraulic & some elect exp

Automation Personnel Services 12740 I-10 East Suite B5 Houston, Tx 77015 phone 713-637-8600

## ATTENTION OTR DRIVERS

\*Up to \$3,000 sign on \*Choice of fleets \*5% more paid-miles \*Affordable benefits

A ROEHL TAKE HOME MORE BE HOME carrier

Students Welcome. Class A req'd. FREE CDL training for qualified Military Vets. 888-867-6345 GoRoehl.com

CREEKSIDE APTS Now hiring for PORTER Monday -Friday Cleaning a 250 unit property. Apply in person @ 3120 Decker Dr., Baytown. 281-427-0673

## RESTAURANT MANAGER

for leading Mexican Restaurant in the Baytown Area. Must have

Pay & great Benefits! Apply in person at Texaco/Sunmart, 10330 I-10 & Hwy 146 Drug Free Environment

WAITER/WAITRESS F/PT Apply in person. Goose Creek Country Club. 5000 Country Club Dr. NO PHONE CALLS!

WAITSTAFF/BANQUET SUPERVISOR Experience Necessary Apply in person Goose Creek Country Club 5000 Country Club Dr. NO PHONE CALLS!

YARD MULE DRIVER WITH CDL needed. Must have forklift experience. Baytown warehouse M-F. Please contact Mike or Shelly 281-573-2979

## 711 Work Wanted

EXPERIENCED CARE GIVER, FOR the Elderly. Have References. Please call 281-426-3085.

## NOTICE OF DRAFT FEDERAL OPERATING PERMIT

DRAFT PERMIT NO.: 01610

APPLICATION AND DRAFT PERMIT. Rhodia Inc, 8 Cedar Brook Drive, Cranbury, New Jersey, 08512-7500, an Industrial Inorganic Chemicals facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal and revision of Federal Operating Permit (herein referred to as Permit) No. 9948 to authorize operation of the Baytown Plant. The area addressed by the application is located on Park Street and is last industrial facility on Park Street, surrounded by Exxon-Mo-

## BAYTOWN IS BOOMING!

OFFICE SPACE 2,000 sq. ft. BEAUTIFULLY REMODELED. ADT Secured Decorative Carpeting and New Bathroom WAREHOUSE SPACE

AVAILABLE Easy Access to Fred Hartman Bridge. CLOSE TO EVERYTHING! Sign a 2-year lease and get 2 MONTHS FREE!

**810 Legal Notices**

bill Baytown, Baytown, Harris County, Texas This application was received by the TCEQ on February 5, 2007.

The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code § 122.10 (30 TAC § 122.10). The draft permit, if approved, will codify the conditions under which the area must operate. The permit will not authorize new construction. The TCEQ Executive Director has completed the technical review of the application and has made a preliminary decision to prepare a draft permit for public comment and review. The TCEQ Executive Director recommends issuance of this draft permit. The permit application, statement of basis, and draft permit are available for viewing and copying at the Texas Commission on Environmental Quality Central Office, 12100 Park 35 Circle, Building E, First Floor, Austin, Texas, and the Sterling Municipal Library, Mary Elizabeth Milbanks Avenue, Baytown, Texas. At the TCEQ Central and Regional Office, relevant supporting materials for the draft permit, as well as the New Source Review permits which have been incorporated by reference, may be reviewed and copied. Any person with difficulties obtaining these materials due to travel constraints may contact the TCEQ Central Office file room at (512) 239-1540

**PUBLIC COMMENT/NOTICE AND COMMENT HEARING.** Any person may submit written comments on the draft permit. Comments relating to the accuracy, completeness, and appropriateness of the permit conditions may result in changes to the draft permit.

A person who may be affected by the emission of air pollutants

**810 Legal Notices**

from the permitted area may request a notice and comment hearing. The purpose of the notice and comment hearing is to provide an additional opportunity to submit comments on the draft permit. The permit may be changed based on comments pertaining to whether the permit provides for compliance with 30 TAC Chapter 122 (examples may include that the permit does not contain all applicable requirements or the public notice procedures were not satisfied). The TCEQ may grant a notice and comment hearing on the application if a written hearing request is received within 30 days after publication of the newspaper notice. The hearing request must include the basis for the request, including a description of how the person may be affected by the emission of air pollutants from the application area. The request should also specify the conditions of the draft permit that are inappropriate or specify how the preliminary decision to issue or deny the permit is inappropriate. All reasonably ascertainable issues must be raised and all reasonably available arguments must be submitted by the end of the public comment period. If a notice and comment hearing is granted, all individuals that submitted written comments or a hearing request will receive written notice of the hearing. This notice will identify the date, time, and location for the hearing.

Written public comments and/or requests for a notice and comment hearing should be submitted to the Texas Commission on Environmen-



Call to subscribe  
281-425-8066

**810 Legal Notices**

tal Quality Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087 and received with 30 days from date of newspaper publication of this notice.

A notice of proposed final action includes a response to comments and identification of any changes to the draft permit will be emailed to everyone who submitted public comments, a hearing request, or requested to be on the mailing list for this application. This mailing will also provide instructions for public petitions to the U.S. Environmental protection Agency (EPA) to request that the EPA object to the issuance of the proposed permit. After receiving a petition, the EPA may only object to the issuance of a permit which is not in compliance with the applicable requirements or the applicable requirements of 30 TAC Chapter 122.

**MAILING LIST.** In addition to submitting public comments, a person may ask to be placed on a mailing list for this application by sending a request to the TCEQ Office of the Chief Clerk at the address above. Those on the mailing list will receive copies of future public notices (if any) mailed by the Chief Clerk for this application.

**INFORMATION.** For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality Office of Public Assistance at MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or Toll Free at 1-800-687-4040. General information about the TCEQ can be found at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea informacion en Espanol, puede llamar al 1-800-687-4040.

Further information may also be obtained for Rhodia Inc by calling Mr. James Harton at (609) 860-4000.

**810 Legal Notices**

**NOTICE OF SECOND PUBLIC HEARING**

NOTICE is hereby given that the City Council of the City of Baytown will hold the second public hearing giving all interested parties the right to appear and to be heard regarding the proposed limited purpose annexation of:

1. A 90.2384-acre Tract north of Needle Point Road, east of SH 146 and South of I-10, also known as Tract One of Chambers County Municipal Utility District No. 1.
2. Approximately a 500 foot strip of land adjacent to the eastern right-of-way line of SH 146 and being a part of 150.5783-acre tract of land located south of Abbe Subdivision, north of Wallace Road and east of SH 146. Such 150.5783-acre tract being also know as Tract 3 of the Chambers County Municipal Utility District No. 1.
3. Approximately a 500 foot strip of land adjacent to the western right-of-way line of SH 146 and being a part of a 31.5718-acre tract of land located south of Lynnwood Subdivision, north of Union Pacific Railroad and west of SH 146. Such 31.5718-acre tract being also know as Tract 4 of the Chambers County Municipal Utility District No. 1.

The second public hearing will be held on Thursday, December 13, 2007 in the Council Chamber of the Baytown City Hall, 2401 Market Street, during the special meeting of the City Council, which starts at 6:30 p.m. The City of Baytown public facilities are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact ADA Coordinator at (281) 420-6522, TDD Line (281) 428-2019 or FAX (281) 420-6586 for further information.

Lorri Coody,  
City Clerk

**810 Legal Notices**

**ORDINANCE 10,7**

AN ORDINANCE OF THE CITY OF BAYTOWN, TEXAS, AMENDING CHAPTER 18 "BUILDING REGULATIONS," ARTICLE "PLUMBING" OF THE CODES OF THE CITY OF BAYTOWN, TEXAS, TO ADD A NEW SECTION ENTITLED "PLUMBING SYSTEMS" AND ESTABLISH STANDARDS FOR DESIGN, INSTALLATION, AND TESTING OF PLUMBING SYSTEMS CONTAINING PEELING CONTAINERS CLIPPING MUM PER FIVE HUNDRED NO/100 (\$500.00); PUBLISHING THE DATE THEREOF.

**ORDINANCE 10,**

AN ORDINANCE OF THE CITY OF BAYTOWN, TEXAS, PROVIDING FOR TENSION TAIN BOUTS OF THE BAYTOWN AND THE TION OF CORRIDOR 1,000 FEE SPRING THE RIGHT-OF OF STATE 146. THE TION OF TRACT NORTHWNER OF MAIN ST THE ANN A 1-ACRE THE NO CORNER SJOLAND EXCLUDED AREAS WITHIN

TCEQ - Office of the Chief Clerk  
Attn: Notice Team (MC-105)  
P O. Box 13087  
Austin, Texas 78711-3087

Applicant Name: Rhodia Inc  
Permit No.: 01610  
Notice of Draft Federal Operating Permit

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF

Harris §  
§  
§

Before me, the undersigned authority, on this day personally appeared

Lina Martinez

, who being by me duly

(name of newspaper representative)

sworn, deposes and says that (s)he is the

Acct. Manager

(title of newspaper representative)

of the

La. Informacion Spanish Newspaper

; that said newspaper is

(name of newspaper)

regularly published in

Harris

County, Texas, and is of general circulation

in

HOUSTON

, Texas; that the attached notice

(nearest municipality to the site)

was published in said newspaper on the following date(s):

11.15.07

Lina Martinez

Newspaper Representative's Signature

Subscribed and sworn to before me this the 15 day of November, 2007, to certify which witness my hand and seal of office

(Seal)

Robert Garza

Notary Public in and for the State of Texas

Robert Garza

Print or Type Name of Notary Public

08-01-11

My Commission Expires

# ¡Gana Dinero!

Vendiendo por catálogo exclusivos productos para el hogar de la prestigiosa marca Intima.

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### AVISO PARA UN PERMISO FEDERAL PARA OPERAR PRELIMINAR

PERMISO PRELIMINAR NÚMERO: O1610

**SOLICITUD Y PERMISO PRELIMINAR.** Rhodia Inc, 8 Cedar Drive, Cranbury, New Jersey 08512-7500, una facilidad Inorgánica Industrial de los Productos Químicos ha solicitado de la Comisión de Calidad Ambiental de Tejas (TCEQ, por sus siglas en inglés) la Solicitud Inicial del Permiso Federal de Operar (aquí dentro aludido como permiso) Solicitud Número . O1610 para autorizar Aplicación No. 9948 para autorizar la operación de Baytown Plant ubicada en Park Street y es la última facilidad industrial en Park Street rodeado de Exxon-Mobil Baytown, Baytown, Condado de Harris. Esta solicitud fue entregada a la TCEQ el 5 de Febrero de 2007.

El propósito del permiso preliminar es mejorar el acatamiento general de las reglas que gobiernan el control de la contaminación atmosférica, claramente definiendo todos los requisitos aplicables como están definidos en el Título 30 del Código Administrativo de Tejas § 122.10 (30 TAC § 122.10, por sus siglas en inglés). El permiso preliminar no autoriza construcciones nuevas, ni tampoco el aumento de emisiones del sitio. El Ejecutivo Director de la TCEQ ha concluido el análisis técnico de la aplicación y ha preparado un permiso preliminar para la revisión y comentarios del público. El permiso preliminar, si es aprobado, establecerá las condiciones debajo de las cuales el sitio deberá operar. El director ejecutivo recomienda que se otorgue este permiso preliminar. La aplicación completa y el permiso preliminar están disponibles para ser revisados y copiados en la Oficina Central de la TCEQ, 12100 Park 35 Circle, Bldg. E, First Floor, Austin, Texas, y en la Oficina Regional de Houston, 5425 Polk Street, Suite H, Houston, Texas 77023-1452 y la Librería Sterling Municipal, Mary Elizabeth Wilbanks Avenue, Baytown, Texas. En la oficina central y la oficina regional también podrá revisar y copiar todos los demás documentos pertinentes al permiso para operar preliminar, así como los permisos para la Revisión de Fuentes Nuevas que han sido incorporados por referencia. Personas que tengan dificultades obteniendo estos materiales debido a restricciones para viajar pueden comunicarse con la oficina central al teléfono (512) 239-1540.

**LISTA PARA ENVÍO DE CORREO.** Usted puede solicitar ser incluido en una lista para envío de correo para recibir información adicional con respecto a esta solicitud. Para ser incluido en una lista para envío de correo, envíe su petición a la Oficina del Secretario Principal (Office of Chief Clerk) a la dirección que se encuentra a continuación en el párrafo titulado "Información."

**COMENTARIOS/NOTIFICACIÓN PÚBLICA Y AUDIENCIA.** Usted puede presentar comentarios públicos y/o solicitar una audiencia de notificación y comentarios sobre esta solicitud. El propósito de la audiencia de notificación y comentarios es el proveer la oportunidad de hacer comentarios de parte del público y hacer preguntas sobre esta solicitud.

Cualquier persona afectada por la emisión de contaminantes atmosféricos de este sitio puede solicitar una audiencia de notificación y comentarios. La TCEQ puede otorgar una audiencia de notificación y comentarios con respecto a esta aplicación si una petición por escrito es presentada dentro de los treinta días después de la publicación de este anuncio. El propósito de la audiencia de notificación y comentarios es proveer la oportunidad para someter comentarios orales o por escrito acerca del permiso preliminar. Si se concede una audiencia de notificación y comentarios, todas las personas que presentaron comentarios por escrito o peticiones para audiencia recibirán confirmación por escrito de la audiencia. Esta confirmación indicará la fecha, hora y lugar de la audiencia.

Una noticia de la acción final, incluyendo respuestas a los comentarios públicos y denotando cambios hechos al permiso preliminar, será remitida a todas las personas que hayan presentado comentarios públicos, solicitudes para audiencia o que hayan solicitado ser incluidas en la lista de correo. Esta noticia también proveerá instrucciones para hacer peticiones públicas a la Agencia Para la Protección del Medio Ambiente (EPA), solicitado la reconsideración de la acción final propuesta por el director ejecutivo. Al recibir una petición, la agencia EPA solamente podrá objetarse a la promulgación de permisos que no se acaten a los requisitos de sus reglamentos o a los requisitos de 30 TAC Capítulo 122.

Comentarios públicos por escrito y peticiones para audiencia de notificación y comentarios deben de ser presentados a la Oficina del Secretario Principal (Office of Chief Clerk), MC 108, P.O. Box 13087, Austin, Texas 78711-3087 dentro de treinta días después de la publicación en el periódico del anuncio del permiso preliminar.

**INFORMACIÓN.** Para más información, usted puede llamar a la Oficina de Asistencia Pública (Office of Public Assistance), sin cargo, a el 1-800-687-4040. Información general concerniente a la TCEQ puede encontrarse vía internet en [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Más información puede ser obtenida de Rhodia Inc. o llamando al Sr. James Harton a el teléfono (609) 860-4000.

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

November 1, 2007

THE HONORABLE JOHN WHITMIRE  
TEXAS SENATE  
PO BOX 12068  
AUSTIN TX 78711-2068

Re: Accepted Federal Operating Permit Renewal Application  
Project Number: 9948  
Permit Number: O1610  
Rhodia Inc  
Baytown Plant  
Baytown, Harris County  
Regulated Entity Number: RN100211317  
Customer Reference Number: CN600125330

Dear Senator Whitmire:

As required by the Texas Clean Air Act § 382.0516, as codified in the Texas Health and Safety Code, this letter notifies you that the Texas Commission on Environmental Quality has received a federal operating permit (FOP) renewal application for a site located in your district. As part of this permitting process, the applicant has been instructed to publish a formal newspaper public notice within the next 30 days. The notice will inform the public of their right to make comments or request a public hearing.

The FOP program regulates both new and **existing** major sources of emissions. The goal of the program is to improve air quality in Texas through increased compliance by codifying existing applicable regulatory requirements into the FOP. The FOP provides the applicant authorization to operate the equipment at the site.

This letter is being sent to you for information only and no action is required. If you need further information, please contact me at (512) 239-1250.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hyde".

Richard A. Hyde, P.E., Director  
Air Permits Division  
Office of Permitting, Remediation, and Registration

RAH/KCE/ssl



Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

November 1, 2007

THE HONORABLE JOE CRABB  
TEXAS HOUSE OF REPRESENTATIVES  
PO BOX 2910  
AUSTIN TX 78768-2910

Re: Accepted Federal Operating Permit Renewal Application  
Project Number: 9948  
Permit Number: O1610  
Rhodia Inc  
Baytown Plant  
Baytown, Harris County  
Regulated Entity Number: RN100211317  
Customer Reference Number: CN600125330

Dear Representative Crabb:

As required by the Texas Clean Air Act § 382.0516, as codified in the Texas Health and Safety Code, this letter notifies you that the Texas Commission on Environmental Quality has received a federal operating permit (FOP) renewal application for a site located in your district. As part of this permitting process, the applicant has been instructed to publish a formal newspaper public notice within the next 30 days. The notice will inform the public of their right to make comments or request a public hearing.

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This letter is being sent to you for information only and no action is required. If you need further information, please contact me at (512) 239-1250.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hyde".

Richard A. Hyde, P.E., Director  
Air Permits Division  
Office of Permitting, Remediation, and Registration

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Buddy Garcia, *Chairman*  
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Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

November 1, 2007

MR JAMES HARTON  
PRESIDENT ECO SERVICES  
RHODIA INC  
8 CEDAR BROOK DR  
CRANBURY NJ 08512-7500

Re: Draft Federal Operating Permit Approval and  
Public Notice Authorization  
Renewal  
Permit Number: O1610  
Rhodia Inc  
Baytown Plant  
Baytown, Harris County  
Regulated Entity Number: RN100211317  
Customer Reference Number: CN600125330  
Account Number: HG-0696-Q

Dear Mr. Harton:

The Texas Commission on Environmental Quality (TCEQ) has completed the technical review of your application as required by the Texas Clean Air Act § 382.0517, as codified in the Texas Health and Safety Code, and has determined that the above-referenced application is administratively complete. This letter provides notice of the following:

- state **new source review** (NSR) authorizations are now considered an applicable requirement in the operating permit;
- instructions describing how to **publish notice** for the draft permit; and
- the TCEQ Executive Director's proposed final action is to submit a draft federal operating permit (FOP), which serves as a proposed permit, to the U.S. Environmental Protection Agency (EPA) for **EPA review** to run concurrently with the public notice comment period, unless public comments are received or the TCEQ Executive Director grants a hearing request. If EPA review is not concurrent, the EPA review period shall begin no earlier than the close of the public comment period or date of the hearing.

Mr. James Harton  
Page 2  
November 1, 2007

**New Source Review**

In order to assist you with the changes made to the draft operating permit incorporating state NSR as an applicable requirement, your permit may include the following:

- a table of NSR authorizations submitted in your application previously as "for reference only;" or
- terms and conditions clarifying that NSR is an applicable requirement and enforceable under the operating permit.

The Form OP-ACPS (Application Compliance Plan and Schedule) submitted with the permit application is still valid for all applicable requirements in the attached draft operating permit, including NSR authorizations, which were previously considered reference only. If the Form OP-ACPS is no longer correct for any reason, please submit updated Form OP-ACPS, including an updated compliance plan to Ms. Kimberli Evans, TCEQ Air Permits Division. This updated compliance plan must be approved by the TCEQ and added to the FOP before publication.

In addition, for sites subject to Title 30 Texas Administrative Code §§ 101.300 - 101.304 (30 TAC §§ 101.300 - 101.304) (Emissions Banking and Trading), the draft operating permit contains terms and conditions for these requirements. If you have any questions about these changes, please contact Ms. Kimberli Evans, TCEQ Air Permits Division.

**Public Notice**

The TCEQ has prepared the enclosed draft permit for your final review and approval. You are now required to publish notice for the draft permit. To help you meet the requirements associated with this notice, we have enclosed the following items:

- Instructions for Public Notice
- Public Notice Checklist
- Notice for Newspaper Publication and Sign Posting
- Affidavit of Publication and Alternative Language Affidavit of Publication
- Public Notice Verification Form (TCEQ 20244-Air)
- Draft Permit
- Statement of Basis

Please note that it is VERY IMPORTANT that you follow ALL directions in the enclosed instructions. If you do not, you may be required to republish the notice. A common mistake is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

Mr. James Harton  
Page 3  
November 1, 2007

A "Public Notice Checklist" is enclosed which notes the time limitations for each step of the public notice process. This checklist should be used as a tool in conjunction with the enclosed, detailed instructions.

**EPA Review**

In accordance with 30 TAC § 122.350, the procedural requirements of 30 TAC § 122.320 of this title (relating to Public Notice), 30 TAC § 122.322 of this title (relating to Bilingual Public Notice), and the requirements for EPA review under this section may run concurrently. However, if any person submits comments, or the TCEQ Executive Director grants a hearing request, the requirement for EPA review may not run concurrently with the period for public notice. If comments are received, the TCEQ Executive Director will submit the comments and revised proposed permit, if applicable, to the EPA and shall restart the 45-day EPA review.

If the EPA does not file an objection to a proposed FOP, or the objection is resolved, the TCEQ will issue the FOP. Any person affected by the decision of the TCEQ, including the applicant, may petition the EPA in accordance with Texas Clean Air Act § 382.0563, as codified in the Texas Health and Safety Code, and 30 TAC § 122.360 within 60 days of the expiration of the EPA's 45-day review period. The petition shall be based only on objections to the permit raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within the public comment period, or the grounds for such objections arose after the public comment period.

The EPA may only object to the issuance of any proposed permit that is not in compliance with the applicable requirements or the requirements of this chapter. The 60-day public petition period will begin on the day after the last day of the EPA review period. Public petitions should be submitted to the TCEQ, the applicant, and the EPA at the following addresses:

Texas Commission on Environmental Quality  
Attn: Mr. Richard Hyde, P.E., Director  
Air Permits Division (MC-163)  
P.O. Box 13087  
Austin, Texas 78711-3087

U.S. Environmental Protection Agency  
Attn: Air Permit Section Chief  
Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

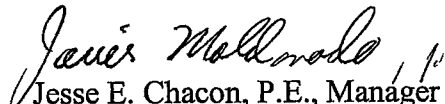
U.S. Environmental Protection Agency  
Administrator Stephen L. Johnson  
Ariel Rios Building (AR 1101A)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Mr. James Harton  
Page 4  
November 1, 2007

The TCEQ will make the draft FOP, the statement of basis, FOP application, compliance certification, and if applicable, the compliance plan and monitoring reports available to the public, EPA, and to the affected states and local programs as needed. If you do not comply with all requirements described in the instructions, further processing of your application may be suspended and your application voided, or the agency may take other action.

Thank you for your cooperation in this matter. If you have any questions regarding publication requirements, please contact the TCEQ Office of the Chief Clerk at (512) 239-3300. If you have any other questions, please contact Ms. Kimberli Evans at (512) 239-1100.

Sincerely,

  
Jesse E. Chacon, P.E., Manager  
Operating Permit Section  
Air Permits Division  
Texas Commission on Environmental Quality

JEC/KCE/ssl

cc: Mr. William F. Dickerson, Environmental Manager, Rhodia, Inc., Houston  
Mr. Al Semaan, Plant Manager, Rhodia, Inc., Houston  
Mr. Wei Liu, Trinity Consultants, Houston  
Director, Pollution Control Department, Harris County Public Health and Environmental Services, Pasadena  
Air Section Manager, Region 12 - Houston

Enclosure: Draft Permit

Project Number: 9948

## PUBLIC NOTICE CHECKLIST

### *Notice of Draft Federal Operating Permit (Title V Notice)*

The following tasks must be completed for public notice. If publication in an alternative language is required, please complete the tasks for both the English and alternative language publications. Detailed instructions are included in the "Instructions for Public Notice" section of this package.

#### **Within 30 calendar days after date of this letter**

Publish *Notice of Draft Federal Operating Permit* in "public notice" section of newspaper. Review for accuracy prior to publishing.  
Provide copy of complete application, including any subsequent revisions, statement of basis, and the draft permit at a public place for review and copying. Keep them there for duration of the designated comment period.  
Prepare signs.

#### **First day of newspaper publication**

Review published newspaper notice for accuracy.  
Post signs and keep them up for duration of the designated comment period.  
Ensure copy of complete application, including any subsequent revisions, statement of basis, and the draft permit are at the public place.

#### **Within 2 business days after date of publication**

Fax copy of newspaper clippings to Ms. Kimberli Evans in TCEQ Air Permits Division at 512-239-5698.

#### **Within 10 business days after date of publication**

Mail original newspaper clippings showing publication date and newspaper name to  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087  
Mail photocopies of newspaper clippings showing publication date and newspaper name to TCEQ Regional Office and each local program with jurisdiction over your site.

#### **Within 30 calendar days after date of publication**

Mail original affidavit of publication and alternative language affidavit of publication (if applicable) to  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087  
Mail photocopies of affidavits to Ms. Kimberli Evans in TCEQ Air Permits Division.

#### **Within 10 business days after end of the designated comment period**

Mail Public Notice Verification Form and Form OP-CRO1 to  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087  
Mail photocopies of Public Notice Verification Form and Form OP-CRO1 to Ms. Kimberli Evans in TCEQ Air Permits Division.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## INSTRUCTIONS FOR PUBLIC NOTICE For Federal Operating Permit

### NOTICE OF DRAFT FEDERAL OPERATING PERMIT

We have completed the technical review of your application and have prepared the enclosed draft federal operating permit (FOP) for public notice. You must comply with the following instructions:

#### Draft Permit Review

The draft FOP is enclosed for your final review and approval. During technical review of the application, the permit reviewer coordinated with you or your technical contact to address and resolve any outstanding issues. Contact the permit reviewer listed in the cover letter immediately if you have any questions related to the draft FOP.

#### Notice Review

Included in the notice is all of the information which the commission believes is necessary to effectuate compliance with applicable public notice requirements. Please read it carefully and notify the permit reviewer listed in the cover letter immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the Texas Commission on Environmental Quality (TCEQ).

#### Newspaper Notice

- You must publish the enclosed *Notice of Draft Federal Operating Permit* **as soon as practical but no later than 30 calendar days** after the date on the cover letter with these instructions.
- You must publish the enclosed *Notice of Draft Federal Operating Permit*, at your expense, in the public notice section of one issue of a newspaper of general circulation in the municipality in which the site or proposed site is located, or the municipality nearest to the location of the site or proposed site.
- The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold, italics**). **Failure to do so may require re-notice.**

#### Alternative Language Notice

In certain circumstances, an applicant for an FOP must complete notice in alternative languages.

- Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the facility or proposed facility location. Bilingual education programs are determined on a district-wide basis. When students who are required to attend either school are eligible to be enrolled in a bilingual education program, some alternative language notice is required (newspaper notice).
- Since the school district, and not the schools, must provide the bilingual education program, these programs do not have to be located at the elementary or middle schools nearest to the facility or proposed facility to trigger the alternative language notice requirement. Alternative language notice is required when students who would normally attend the nearest schools are eligible to be taught in a bilingual education program at a different location.
- If triggered, publications of alternative language notices must be made in a newspaper or publication printed primarily in each language taught in the bilingual education program. The same newspaper(s) used for *Notice of Receipt and Intent to Obtain Permit* must be used for publication of the *Notice of Application and Preliminary Decision for an Air Quality Permit*. This notice is required if such a newspaper or publication exists in the municipality or the county where the facility is located or proposed to be located.
- The applicant must demonstrate a good faith effort to identify a newspaper or publication in the required language. If a newspaper or publication of general circulation published at least once a month in such language cannot be found, publishing in that language is not required, but signs must still be posted adjacent to each English language sign.
- The applicant has the burden to demonstrate compliance with these requirements. To assist you in meeting these requirements, the TCEQ has provided the enclosed *Public Notice Verification Form* (TCEQ 20244-Air). You must fill out the *Public Notice Verification Form* indicating your compliance with the requirements regarding publication in an alternative language. This form is also available at [www.tceq.state.tx.us/goto/air/publicnotice](http://www.tceq.state.tx.us/goto/air/publicnotice).
- It is suggested the applicant work with the local school district to do the following:
  - (a) determine if a bilingual program is required in the district;
  - (b) determine which language is required by the bilingual program;
  - (c) locate the nearest elementary and middle schools; and
  - (d) determine if any students attending either school are eligible to be enrolled in a bilingual educational program.
- **If you determine that you must meet the alternative language notice requirements, you are responsible for ensuring that the publication in the alternative language is complete and accurate in that language. Since the most common bilingual programs are in Spanish, the TCEQ has provided example Spanish notice templates for your use. All italic notes should be replaced with the corresponding Spanish translations for the specific application and published in the alternative language publication. Electronic versions of the Spanish templates are available through the TCEQ Air Permits Division webpage at [www.tceq.state.tx.us/goto/air/publicnotice](http://www.tceq.state.tx.us/goto/air/publicnotice).**
- If you are required to publish notice in a language other than Spanish, you must translate the entire public notice at your own expense.



## **Public Comment Period**

- The public comment period should last at least **30 calendar days**.
- The comment period will be longer if the last day of the public comment period ends on a weekend or a holiday. In this case, the comment period will end on the next business day.
- The comment period for the permit may lengthen depending on whether a notice and comment hearing is held. If a hearing is held, the comment period will be extended to the date of the hearing.

## **Sign Posting**

- You must also post a sign in English and as applicable, in each alternative language, referencing the draft FOP.
- Please read the sign template carefully and notify the permit reviewer listed in the cover letter immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information for the sign posting. You may not change the text of the sign without prior approval from the TCEQ.
- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible for the entire comment period or the end of a notice and comment hearing, if a hearing is granted.
- The sign placed at the site must be located at or near the site main entrance, provided that the sign is legible from the public street. If the sign would not be legible from the public street, then the sign shall be placed within ten feet of a property line paralleling a public street.
- The Executive Director may approve variations if you demonstrate that it is not practical to comply with the specific sign posting requirements. The Executive Director must approve variations before signs are posted.
- All lettering on the sign must be 1-1/2" in height and in block printed capital lettering.
- The sign must be at least 18" wide and 28" tall, and consist of dark lettering on a white background.
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.
- Inspect each sign posting daily to ensure they are present and visible throughout the comment period.
- You must submit certification of sign posting within **10 business days** after the end of the public comment period by completing and submitting the enclosed Public Notice Verification Form.

## Proof of Publication and Public Notice Certification

- Check each publication to ensure that the articles were accurately published.
- You must fax a copy of the **newspaper clipping** of each published notice which shows the complete notice that was published, date of publication, and the name of the newspaper to the permit reviewer, **within 2 business days of publication**.
- You must submit an **original newspaper clipping** of each published notice which shows the complete notice that was published, date of publication, and the name of the newspaper to the TCEQ Office of the Chief Clerk. In addition, send a copy to the TCEQ Regional Office and to each local program with jurisdiction over your site, **within 10 business days** after the date of publication. You are encouraged to submit the affidavit with the original newspaper clippings described above.
- You must submit an **original publisher's affidavit** to the TCEQ Office of the Chief Clerk within **30 calendar days** after the date of each publication. **You must use the enclosed affidavit form**. The affidavit must clearly identify the applicant's name and permit number.
- You must submit the *Public Notice Verification Form* to the TCEQ Office of the Chief Clerk and return a copy of this form to the TCEQ, Air Permits Division, within **10 business days** of the end of the public comment period. You must use this form to verify that you have met sign posting requirements and bilingual notice requirements, as applicable. It is also used to verify that you placed a copy of the application, the statement of basis and draft permit in a public place in the county in which the site is located or proposed to be located.
- You must submit a completed *Form OP-CRO1* (Certification by Responsible Official), signed by the Responsible Official or Duly Authorized Representative, that verifies the truth and accuracy of all public notice documentation submitted. You must submit this form to the TCEQ Office of the Chief Clerk and a copy of this form to the TCEQ, Air Permits Division, within **10 business days** of the end of the public comment period.
- The **original publisher's affidavit, Public Notice Verification Form, Form OP-CRO1, and an original newspaper clipping of the published notice** must be mailed to:

Texas Commission on Environmental Quality  
Office of the Chief Clerk, (MC-105)  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087

- A copy of the **publisher's affidavit, Public Notice Verification Form, and Form OP-CRO1** must be mailed to:

Texas Commission on Environmental Quality  
Air Permits Division (MC-163)  
Attn: Ms. Kimberli Evans  
P.O. Box 13087  
Austin, Texas 78711-3087

- Please ensure that the affidavit and newspaper clipping you send to the TCEQ Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted by the TCEQ Chief Clerk.

#### **Failure to Publish, Submit Proof of Publication and Certification of Public Notice**

- You must meet all publication requirements. If you fail to publish the notice, post signs, meet bilingual notice requirements or submit proof of publication and public notice certification on time, the TCEQ may suspend further processing of your application or take other actions.

#### **Application in a Public Place**

- You must provide a copy of the complete application, including any subsequent revisions, the statement of basis and the draft permit, at a public place for review and copying by the public. This place must be in the county in which the site is located or proposed to be located, as required by 30 TAC § 122.320(b).
- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).
- The complete application must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the end of the comment period.
- If the application is submitted to the TCEQ with information marked as "CONFIDENTIAL," you are required to indicate which specific portions of the application are not being made available to the public. These portions of the applications must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the Texas Commission on Environmental Quality Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087."

#### **General Information**

When contacting the Commission regarding this application, please refer to the permit number at the top of the Notice of Draft Federal Operating Permit.

If you have questions or need assistance regarding this notice, please contact the permit reviewer listed in the cover letter or the Office of the Chief Clerk at (512) 239-3300.

## **NOTICE OF DRAFT FEDERAL OPERATING PERMIT**

DRAFT PERMIT NO.: O1610

**APPLICATION AND DRAFT PERMIT.** Rhodia Inc, 8 Cedar Brook Drive, Cranbury, New Jersey 08512-7500, an Industrial Inorganic Chemicals facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal and revision of Federal Operating Permit (herein referred to as Permit) No. O1610, Application No. 9948 to authorize operation of the Baytown Plant. The area addressed by the application is located on Park Street and is the last Industrial Facility on Park Street, surrounded by Exxon-Mobil Baytown, Baytown, Harris County, Texas. This application was received by the TCEQ on February 5, 2007.

The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code § 122.10 (30 TAC § 122.10). The draft permit, if approved, will codify the conditions under which the area must operate. The permit will not authorize new construction. The TCEQ Executive Director has completed the technical review of the application and has made a preliminary decision to prepare a draft permit for public comment and review. The TCEQ Executive Director recommends issuance of this draft permit. The permit application, statement of basis, and draft permit are available for viewing and copying at the Texas Commission on Environmental Quality Central Office, 12100 Park 35 Circle, Building E, First Floor, Austin, Texas, and the Sterling Municipal Library, Mary Elizabeth Wilbanks Avenue, Baytown, Texas. At the TCEQ Central and Regional Office, relevant supporting materials for the draft permit, as well as the New Source Review permits which have been incorporated by reference, may be reviewed and copied. Any person with difficulties obtaining these materials due to travel constraints may contact the TCEQ Central Office file room at (512) 239-1540.

**PUBLIC COMMENT/NOTICE AND COMMENT HEARING.** Any person may submit written comments on the draft permit. Comments relating to the accuracy, completeness, and appropriateness of the permit conditions may result in changes to the draft permit.

**A person who may be affected by the emission of air pollutants from the permitted area may request a notice and comment hearing.** The purpose of the notice and comment hearing is to provide an additional opportunity to submit comments on the draft permit. The permit may be changed based on comments pertaining to whether the permit provides for compliance with 30 TAC Chapter 122 (examples may include that the permit does not contain all applicable requirements or the public notice procedures were not satisfied). The TCEQ may grant a notice and comment hearing on the application if a written hearing request is received within 30 days after publication of the newspaper notice. The hearing request must include the basis for the request, including a description of how the person may be affected by the emission of air pollutants from the application area. The request should also specify the conditions of the draft permit that are inappropriate or specify how the preliminary decision to issue or deny the permit is inappropriate. All reasonably ascertainable issues must be raised and all reasonably available arguments must be submitted by the end of the public comment period. If a notice and comment hearing is granted, all individuals that submitted written comments or a hearing request will receive written notice of the hearing. This notice will identify the date, time, and location for the hearing.

Written public comments and/or requests for a notice and comment hearing should be submitted to the Texas Commission on Environmental Quality Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-087 and received within 30 days from the date of newspaper publication of this notice.

A notice of proposed final action that includes a response to comments and identification of any changes to the draft permit will be mailed to everyone who submitted public comments, a hearing request, or requested to be on the mailing list for this application. This mailing will also provide instructions for public petitions to the U.S. Environmental Protection Agency (EPA) to request that the EPA object to the issuance of the proposed permit. After receiving a petition, the EPA may only object to the issuance of a permit which is not in compliance with the applicable requirements or the requirements of 30 TAC Chapter 122.

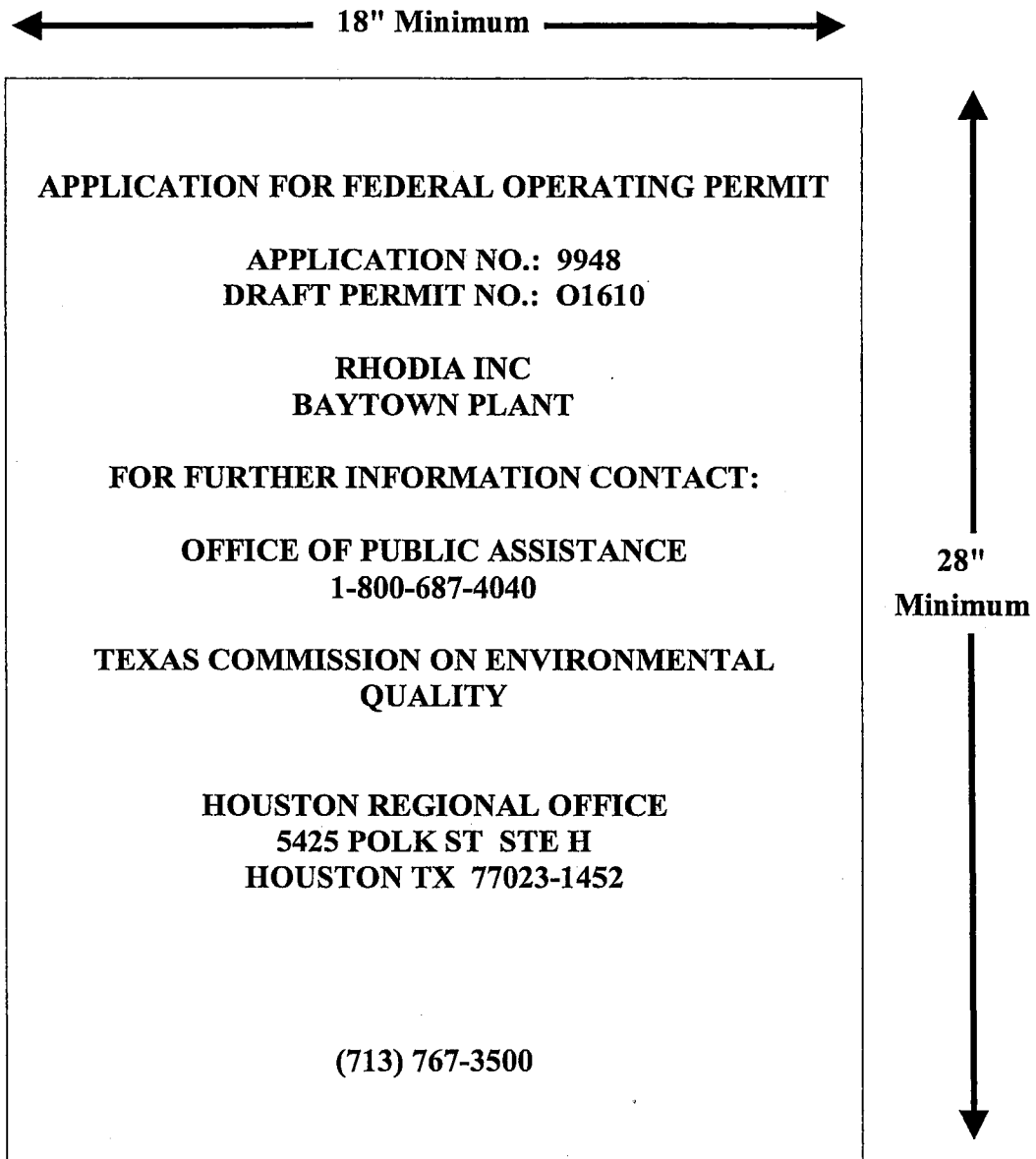
**MAILING LIST.** In addition to submitting public comments, a person may ask to be placed on a mailing list for this application by sending a request to the TCEQ Office of the Chief Clerk at the address above. Those on the mailing list will receive copies of future public notices (if any) mailed by the Chief Clerk for this application.

**INFORMATION.** For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality Office of Public Assistance at MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or Toll Free at 1-800-687-4040. General information about the TCEQ can be found at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained for Rhodia Inc by calling Mr. James Harton at (609) 860-4000.

**PUBLIC NOTICE EXAMPLE SIGN POSTING**

Sign(s) must be in place on the date of publication of the newspaper notice and must remain in place and be legible throughout the public comment period. Note - The information shown is an **example only**. It is your responsibility to verify that the appropriate information pertaining to **your application** is accurate. Each sign placed at the **area addressed in the FOP application** must be located at or near the site main entrance, provided that the sign is legible from the public street. If the sign would not be legible from the public street, then the sign shall be placed within 10 feet of a property line paralleling a public street.



Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100% visible from the street.

**WHITE BACKGROUND WITH BLACK LETTERS**

**All lettering must be 1-1/2 inch block printed capitals.**









**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Air Permit**

OCC# \_\_\_\_\_

(TCEQ use only)

Applicant Name: \_\_\_\_\_

Site or Facility Name: \_\_\_\_\_

TCEQ Account Number (if applicable): \_\_\_\_\_ Permit Number: \_\_\_\_\_

Regulated Entity Number: \_\_\_\_\_ Customer Number: \_\_\_\_\_

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. For more information regarding public notice refer to the instructions in the public notice package.

ALTERNATIVE LANGUAGE CHECKLIST	
I have contacted the appropriate school district.	<input type="checkbox"/> YES <input type="checkbox"/> NO
A bilingual education program is required by the Texas Education Code in the district.	<input type="checkbox"/> YES <input type="checkbox"/> NO
School District:	Phone:
Person Contacted:	Date:
The name of the elementary school nearest to the proposed or existing facility is:	
The name of the middle school nearest to the proposed or existing facility is:	
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district.	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
The following language(s) is/are utilized in the bilingual program:	
<b>If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the <i>Instructions for Public Notice</i> and certify as applicable on this form.</b>	

ALTERNATIVE LANGUAGE VERIFICATION	
I verify that the area addressed by this permit application is subject to alternative language public notice requirements.	<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that the applicant has conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located (or proposed to be located).	<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required.	<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located).	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Newspaper:	Language:
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable)	<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that original tear sheets of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ.	<input type="checkbox"/> YES <input type="checkbox"/> NO
Signed by:	Applicant:
Title:	Date:



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Air Permit**

OCC# \_\_\_\_\_  
 (TCEQ use only)

Applicant Name: \_\_\_\_\_

Site or Facility Name: \_\_\_\_\_

TCEQ Account Number (if applicable): \_\_\_\_\_ Permit Number: \_\_\_\_\_

Regulated Entity Number: \_\_\_\_\_ Customer Number: \_\_\_\_\_

**NEW SOURCE REVIEW PERMIT NOTICE VERIFICATION**

I verify that the required signs (for 1<sup>st</sup> notice) were posted in accordance with the regulations and instructions of the TCEQ.

YES     NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ.

YES     NO

**Notice of Receipt of Application and Intent to Obtain Permit (1<sup>st</sup> Notice):**

I verify that a copy of the complete air quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.

YES     NO

**Notice of Application and Preliminary Decision (2<sup>nd</sup> Notice, if applicable):**

I verify that a copy of the complete air quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and

I also verify that the air quality application and draft permit, and any revisions, will remain in the designated public place until either:

- 1) the TCEQ acts on the application; or
- 2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing.

YES     NO

Name and Address of Public Place:

Signed by:

Title:

Date:

**FEDERAL OPERATING PERMIT (TITLE V) NOTICE VERIFICATION**

I verify that the required signs were posted in accordance with the regulations and instructions of the TCEQ.

YES     NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instruction of the TCEQ.

YES     NO

I verify that a copy of the complete air quality application and draft permit, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.

YES     NO

Name and Address of Public Place:

Signed by:

Title:

Date:

# FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO

Rhodia Inc

AUTHORIZING THE OPERATION OF

Baytown Plant  
Industrial Inorganic Chemicals

LOCATED AT

Harris County, Texas

LATITUDE 29° 44' 51" LONGITUDE 095° 00' 07"

Regulated Entity Number: RN100211317

This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site and emission units listed in this permit. Operation of the site and emission units listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.

This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site and emission units authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site and emission units.

Permit No: 01610 Issuance Date: \_\_\_\_\_

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For the Commission

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## **GENERAL TERMS AND CONDITIONS**

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit shall be forwarded to the TCEQ Central Office and to the TCEQ Regional Office for your site. Reports submitted must include a cover letter which identifies the following information: company name, TCEQ regulated entity number, site name, area name (if applicable), and Air Permits Division permit number.

## **SPECIAL TERMS AND CONDITIONS:**

### **Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting:**

1. Permit holder shall comply with the following requirements:
  - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
  - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
  - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.

- D. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC § 117.303 applies to the following units: 1 and PREHTRSTK.
- E. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC §§ 117.300, 117.310, 117.335, 117.340, 117.345, 117.350, and 117.354 apply to the following unit: PKGBOILSTK
- F. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emission Cap and Trade Program) Requirements:
- (i) Title 30 TAC § 101.352 (relating to General Provisions)
  - (ii) Title 30 TAC § 101.353 (relating to Allocation of Allowances)
  - (iii) Title 30 TAC § 101.354 (relating to Allowance Deductions)
  - (iv) Title 30 TAC § 101.356 (relating to Allowance Banking and Trading)
  - (v) Title 30 TAC § 101.358 (relating to Emission Monitoring and Compliance Demonstration)
  - (vi) Title 30 TAC § 101.359 (relating to Reporting)
  - (vii) Title 30 TAC § 101.360 (relating to Level of Activity Certification)
  - (viii) The terms and conditions by which the emission limits are established to meet or exceed the cap are applicable requirements of this permit
- G. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 6 (Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program) requirements:
- (i) Title 30 TAC § 101.392 (relating to Exemptions)
  - (ii) Title 30 TAC § 101.401 (relating to Level of Activity Certification)
2. Permit holder shall comply with the requirements in the Prevention of Significant Deterioration (PSD) Permit Number PSD-TX-695M2 for the following pollutants: SO<sub>2</sub>.
3. The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):

- A. Title 30 TAC § 101.1 (relating to Definitions), insofar as the terms defined in this section are used to define the terms used in other applicable requirements
  - B. Title 30 TAC § 101.3 (relating to Circumvention)
  - C. Title 30 TAC § 101.8 (relating to Sampling), if such action has been requested by the TCEQ
  - D. Title 30 TAC § 101.9 (relating to Sampling Ports), if such action has been requested by the TCEQ
  - E. Title 30 TAC § 101.10 (relating to Emissions Inventory Requirements)
  - F. Title 30 TAC § 101.201 (relating to Emission Event Reporting and Recordkeeping Requirements)
  - G. Title 30 TAC § 101.211 (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements)
  - H. Title 30 TAC § 101.221 (relating to Operational Requirements)
  - I. Title 30 TAC § 101.222 (relating to Demonstrations)
  - J. Title 30 TAC § 101.223 (relating to Actions to Reduce Excessive Emissions)
4. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
- A. For stationary vents with a flow rate of less than 100,000 actual cubic feet per minute and constructed on or before January 31, 1972 that are not listed in the Applicable Requirements Summary attachment, the permit holder shall comply with the following requirements:
    - (i) Title 30 TAC § 111.111(a)(1)(A) (relating to Requirements for Specified Sources)
    - (ii) Title 30 TAC § 111.111(a)(1)(E)
    - (iii) Title 30 TAC §§ 111.111(a)(1)(F)(i), (ii), (iii), or (iv)
    - (iv) For emission units with vent emissions subject to 30 TAC § 111.111(a)(1)(A), complying with 30 TAC §§ 111.111(a)(1)(F)(ii), (iii), or (iv), and capable of producing visible emissions from (but not limited to) particulate matter, acid gases, and NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. These periodic monitoring requirements do not apply to vents that do not emit visible

emissions such as vents that emit only VOC or vents that provide passive ventilation, such as plumbing vents; or vents that are subject to the emission limitations of 30 TAC § 111.111(a)(1)(A) and Compliance Assurance Monitoring as specified in the attached Applicable Requirements Summary and "Additional Monitoring Requirements:"

1. An observation of stationary vents from emission units in operation shall be conducted at least once during each calendar quarter unless the emission unit is not operating for the entire quarter.
2. For stationary vents from a combustion source, if an alternative to the normally fired fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are present. If such period is greater than three months, observations shall be conducted once during each quarter. Supplementing the normally fired fuel with natural gas or fuel gas to increase the net heating value to the minimum required value does not constitute creation of an alternative fuel.
3. Records of all observations shall be maintained.
4. Visible emissions observations of emission units operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of emission units operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions observations shall be made during times when the activities described in 30 TAC § 111.111(a)(1)(E) are not taking place. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.



5. Compliance Certification:

- (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC §§ 111.111(a)(1) and (a)(1)(A).
  - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.
  - (c) Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.
- B. Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.
- C. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).
- D. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
- (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits)
  - (ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in 30 TAC § 111.151(b)

(iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c)

5. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
  - A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping)
  - B. Title 40 CFR § 60.8 (relating to Performance Tests)
  - C. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements)
  - D. Title 40 CFR § 60.12 (relating to Circumvention)
  - E. Title 40 CFR § 60.13 (relating to Monitoring Requirements)
  - F. Title 40 CFR § 60.14 (relating to Modification)
  - G. Title 40 CFR § 60.15 (relating to Reconstruction)
  - H. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements)
6. The permit holder shall comply with certified registrations submitted to the TCEQ for purposes of establishing federally enforceable emission limits. A copy of the certified registration shall be maintained with the permit. Records sufficient to demonstrate compliance with the established limits shall be maintained. The certified registration and records demonstrating compliance shall be provided, on request, to representatives of the appropriate TCEQ regional office and any local air pollution control agency having jurisdiction over the site. The permit holder shall submit updated certified registrations when changes at the site require establishment of new emission limits. If changes result in emissions that do not remain below major source thresholds, the permit holder shall submit a revision application to codify the appropriate requirements in the permit.

#### **Additional Monitoring Requirements**

7. The permit holder shall comply with the periodic monitoring requirements as specified in the attached "Periodic Monitoring Summary" upon issuance of the permit. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality-assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permit holder shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "Periodic Monitoring Summary," for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall

data be collected and used in particular instances to avoid reporting deviations. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).

### **New Source Review Authorization Requirements**

8. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule, standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
  - A. Are incorporated by reference into this permit as applicable requirements
  - B. Shall be located with this operating permit
  - C. Are not eligible for a permit shield
9. The permit holder shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.

### **Compliance Requirements**

10. The permit holder shall certify compliance with all permit terms and conditions using, at a minimum (but not limited to) the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.
11. The permit holder shall adhere to the provisions in the Compliance Schedule attachment of this permit and submit certified progress reports consistent with the schedule established under 30 TAC § 122.132(e)(4)(C) and including the information specified in 30 TAC § 122.142(e)(2). Those emission units listed in the Compliance Schedule attachment shall adhere with the requirements in the Compliance Schedule attachment until operating fully in compliance with the applicable requirements.
12. Permit holder shall comply with the following 30 TAC Chapter 117 requirement:
  - A. The permit holder shall comply with the compliance schedules and submit written notification to the TCEQ Executive Director as required in 30 TAC Chapter 117, Subchapter H, Division 1:
    - (i) For sources in the Houston-Galveston Nonattainment area, 30 TAC § 117.9020:

(1) Title 30 TAC §§ 117.9020(2)(A), (C), and (D)

B. The permit holder shall comply with the Initial Control Plan unit listing requirement in 30 TAC §§ 117.350(c) and (c)(1).

13. Use of Emission Credits to Comply with Applicable Requirements:

A. Unless otherwise prohibited, the permit holder may use emission credits to comply with the following applicable requirements listed elsewhere in this permit:

- (i) Title 30 TAC Chapter 115
- (ii) Title 30 TAC Chapter 117
- (iii) Offsets for Title 30 TAC Chapter 116

B. The permit holder shall comply with the following requirements in order to use the emission credits to comply with the applicable requirements:

- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.306(c)(2)
- (ii) The emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 1
- (iii) The executive director has approved the use of the credit according to 30 TAC § 101.306(c)(2)
- (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.302(g) and 30 TAC Chapter 122

14. Use of Discrete Emission Credits to Comply with Applicable Requirements:

A. Unless otherwise prohibited, the permit holder may use discrete emission credits to comply with the following applicable requirements listed elsewhere in this permit:

- (i) Title 30 TAC Chapter 115
- (ii) Title 30 TAC Chapter 117
- (iii) If applicable, offsets for Title 30 TAC Chapter 116
- (iv) Temporarily exceed state NSR permit allowables

B. The permit holder shall comply with the following requirements in order to use the credit to comply with the applicable requirements:

- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.376(d)
- (ii) The discrete emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 4
- (iii) The executive director has approved the use of the discrete emission credits according to 30 TAC § 101.376(d)(1)(A)
- (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.372(h) and 30 TAC Chapter 122

### **Risk Management Plan**

15. For processes subject to 40 CFR Part 68 and specified in 40 CFR § 68.10, the permit holder shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR Part 68. The permit holder shall submit to the appropriate agency either a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR § 68.10(a), or as part of the compliance certification submitted under this permit, a certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of a risk management plan.

### **Permit Location**

16. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

### **Permit Shield (30 TAC § 122.148)**

17. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

## **ATTACHMENTS**

**Applicable Requirements Summary**

**Additional Monitoring Requirements**

**Permit Shield**

**New Source Review Authorization References**

**Schedules**

**APPLICABLE REQUIREMENTS SUMMARY**

**Unit Summary ..... 12**

**Applicable Requirements Summary ..... 14**

Note: A “none” entry may be noted for some emission sources in this permit’s “Applicable Requirements Summary” under the heading of “Monitoring and Testing Requirements” and/or “Recordkeeping Requirements” and/or “Reporting Requirements.” Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Recordkeeping Terms and Conditions (30 TAC § 122.144), Reporting Terms and Conditions (30 TAC § 122.145), and Compliance Certification Terms and Conditions (30 TAC § 122.146) continue to apply.

### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0001	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP LESS THAN 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS), DAILY THROUGHPUT = NO VALUE
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0002	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP GREATER THAN OR EQUAL TO 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS)
PKGBOILSTK	PACKAGE BOILER	N/A	R7ICI-0001	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	R7ICI-0002	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	PSD	Prevention of Significant Deterioration	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.



### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRPACIDTNK	STORAGE TANKS/VESSELS	T-5, T-6, T-7, T-8	R5112-0001	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
T-16	STORAGE TANKS/VESSELS	N/A	R5112-0004	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
BARGE-DOCK	EU	R5211-0001	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(1) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Vapor pressure (at land-based operations). All land-based loading and unloading of VOC with a true vapor pressure less than 0.5 psia is exempt from the requirements of this division, except as specified.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B)	None
BARGE-DOCK	EU	R5211-0002	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(2)(A) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Any plant, excluding gasoline bulk plants, which loads less than 20,000 gpd of VOC with a true vapor pressure of 0.5 psia or greater is exempt from the requirements of this division, except for the specified requirements.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B) § 115.216(3)(D)	None
PKGBOILSTK	EU	R71CI-0001	NOX	30 TAC Chapter 117, Commercial	§117.300 §117.310 §117.335 §117.340 §117.345 §117.350 §117.354	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable monitoring and testing requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
1	EU	R71CI-0002	NOX	30 TAC Chapter 117, Commercial	§ 117.300 The permit holder shall comply with the applicable limitation, standard and/or equipment specification requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable monitoring and testing requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
1	EU	PSD	**	Prevention of Significant Deterioration	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
1	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c)	§ 112.2(c)	§ 112.2(b)
1	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b)(2)	Sulfuric acid plants or facilities used exclusively as SO2 control systems, chamber process plants, acid concentrators, or oleum storage and transfer facilities are exempt from this section.	None	None	None
1	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)
1	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
1	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
T-16	EU	R5112-0004	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5)	§ 115.116(a)(4) § 115.116(a)(5)	None
GRPACIDTNK	EU	R5112-0001	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5) **See Periodic Monitoring	§ 115.116(a)(4) § 115.116(a)(5)	None
PRO-REGEN	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c)	§ 112.2(c)	§ 112.2(b)
PRO-REGEN	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b) § 112.41(b)(1)	Sulfuric acid or oleum facilities may not permit emissions of H2SO4 mist to exceed 0.50 lb/ton (0.25 gram/kg) of 100% H2SO4 produced when burning specified compounds by the contact process.	§ 112.43(b) § 112.43(c) [G]§ 112.43(c)(1) [G]§ 112.43(c)(2) § 112.45(a)	[G]§ 112.45(b)	None

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
PRO-REGEN	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)
PRO-REGEN	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
PRO-REGEN	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None

**ADDITIONAL MONITORING REQUIREMENTS**

**Periodic Monitoring Summary ..... 19**

## Periodic Monitoring Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: GRPACIDTNK	Applicable Form: OP-UA03
Control Device ID No.: N/A	Control Device Type: N/A
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 115, Storage of VOCs	SOP Index No.: R5112-0001
Pollutant: VOC	Main Standard: § 115.112(a)(1)
MONITORING INFORMATION	
Indicator: Combustion Temperature/ Exhaust Gas Temperature	
Minimum Frequency: once per week	
Averaging Period: n/a*	
Deviation Limit: Minimum Temperature = 1825	
<p>Periodic Monitoring Text: Measure and record the combustion temperature in the combustion chamber or immediately downstream of the combustion chamber. The monitoring instrumentation shall be maintained, calibrated and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data below the minimum limit shall be considered and reported as a deviation.</p>	

\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.



**PERMIT SHIELD**

**Permit Shield ..... 21**



### Permit Shield

The TCEQ Executive Director has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

Unit/Group/Process		Regulation	Basis of Determination
ID No.	Group/Inclusive Units		
PKGBOILSTK	N/A	40 CFR Part 60, Subpart Db	Boiler was constructed prior to 06/19/1984.
BTCT	N/A	40 CFR Part 63, Subpart Q	Cooling tower has not operated with chromium based chemicals on or after 09/18/1994.
GRPACIDTNK	T-5, T-6, T-7, T-8	40 CFR Part 60, Subpart K	Tanks were constructed prior to 1973.
T-16	N/A	40 CFR Part 60, Subpart K	Tanks were constructed prior to 1973.

**NEW SOURCE REVIEW AUTHORIZATION REFERENCES**

**New Source Review Authorization References ..... 23**  
**New Source Review Authorization References by Emission Unit ..... 24**

## New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

PSD Permits	NA Permits
PSD Permit No.: PSD-TX-695M2	NA Permit No.:
PSD Permit No.:	NA Permit No.:
PSD Permit No.:	NA Permit No.:
Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.	
Authorization No.:	Authorization No.:
Authorization No.: 56534	Authorization No.: 9565
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Permits By Rule (30 TAC Chapter 106) for the Application Area	
Number:	Version No./Date:
Number: 007	Version No./Date: 08/11/1989
Number: 106.261	Version No./Date: 11/01/2003
Number: 106.262	Version No./Date: 09/04/2000
Number: 106.371	Version No./Date: 03/14/1997
Number: 106.472	Version No./Date: 03/14/1997
Number: 106.478	Version No./Date: 03/14/1997
Number:	Version No./Date:
Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum	
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:

### New Source Review Authorization References by Emissions Unit

The following is a list of New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Unit/Group/Process ID No.	Emission Unit Name /Description	New Source Review Authorization
1	FURNACE	9565, PSD-TX-695M2
BARGE-DOCK	SPENT ACID LOADING	56534
BTCT	COOLING TOWER	106.371/03/14/1997
PKGBOILSTK	PACKAGE BOILER	007/08/11/1989
PREHTRSTK	PREHEATER	007/08/11/1989
PRO-REGEN	REGEN PROCESS UNIT	9565
T-16	SPENT ACID STORAGE TANK	56534
T-5	SPENT ACID STORAGE TANK	56534
T-6	SPENT ACID STORAGE TANK	56534
T-7	SPENT ACID STORAGE TANK	56534
T-8	SPENT ACID STORAGE TANK	56534

**SCHEDULES**

**Compliance Schedule ..... 26**

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type			Citation	Text Description
T-16	EU	R5112-0002	PM	115.112(a)(1)	Storage tank must be controlled by a VRS and control device
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
115.112(a)(1)		Storage tank must be controlled by a VRS and control device		NSR 56534 permit amendment application	
C. Brief Description of the Noncompliance Situation					
Storage tank with maximum true vapor pressure greater than 1.5 psia is not equipped with a VRS and control device					
D. Brief Description of Corrective Action Plan					
Vapor combustor to be installed to control emissions from T-16 per Permit No. 56534					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Tank T-16 was emptied, cleaned, and removed from service by March 1, 2007 and will remain out of service until the vapor combustor is installed				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Semi-annual beginning six months after permit issuance.		

**APPENDIX A**

**Acronym List ..... 28**

## ACRONYM LIST

The following abbreviations or acronyms may be used in this permit:

ACFM	actual cubic feet per minute
AMOC	alternate means of control
ARP	Acid Rain Program
ASTM	American Society of Testing and Materials
B/PA	Beaumont/Port Arthur (nonattainment area)
CAM	Compliance Assurance Monitoring
CD	control device
COMS	continuous opacity monitoring system
CVS	closed-vent system
D/FW	Dallas/Fort Worth (nonattainment area)
DR	Designated Representative
EIP	El Paso (nonattainment area)
EP	emission point
EPA	U.S. Environmental Protection Agency
EU	emission unit
FCAA Amendments	Federal Clean Air Act Amendments
FOP	federal operating permit
GF	grandfathered
gr/100 scf	grains per 100 standard cubic feet
HAP	hazardous air pollutant
H/G	Houston/Galveston (nonattainment area)
H <sub>2</sub> S	hydrogen sulfide
ID No.	identification number
lb/hr	pound(s) per hour
MMBtu/hr	Million British thermal units per hour
MRRT	monitoring, recordkeeping, reporting, and testing
NA	nonattainment
N/A	not applicable
NADB	National Allowance Data Base
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standard (40 CFR Part 60)
NSR	New Source Review
ORIS	Office of Regulatory Information Systems
Pb	lead
PBR	Permit By Rule
PM	particulate matter
ppmv	parts per million by volume
PSD	prevention of significant deterioration
RO	Responsible Official
SO <sub>2</sub>	sulfur dioxide
TSP	total suspended particulate
TVP	true vapor pressure
U.S.C.	United States Code
VOC	volatile organic compound



**OPERATING PERMIT - TECHNICAL SUMMARY**  
**SITE OPERATING PERMIT - SOP**  
**RENEWAL**

Permit #:	<b>O1610</b>	Company:	<b>Rhodia Inc</b>
Project #:	<b>9948</b>	Site:	<b>Rhodia-Baytown Plant</b>
Account #:	<b>HG-0696-Q</b>	Application Area:	<b>Baytown Plant</b>
Regulated Entity #:	<b>Rn100211317</b>	Customer #:	
Region:	<b>12</b>	County:	<b>Harris</b>
SIC Code:	<b>2819</b>	SIC Name:	<b>Industrial Inorganic Chemicals</b>

Permit Reviewer: **Kimberli Evans**

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**PERMIT INFORMATION**

Was confidential information submitted? .....	<b>No</b>
Are any permits being reviewed for New Source Review action? .....	<b>No</b>
Are any units not in compliance? .....	<b>No</b>
Is a Compliance Plan required? .....	<b>Yes</b>
Was the Application Shield removed? .....	<b>No</b>
Are there rule interpretation issues? .....	<b>No</b>
Is there a stringency determination? .....	<b>No</b>
Is a Permit Shield requested? .....	<b>Yes</b>
Is the application subject to acid rain permitting? .....	<b>No</b>
Are there any affected states? .....	<b>No</b>

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**SITE INFORMATION**

Physical Location: Last Industrial Facility on Park Street; Surrounded by Exxon-Mobil  
Nearest City: Baytown  
Major Pollutants: SO<sub>2</sub>, NO<sub>x</sub>, CO  
Additional FOPs: None

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**PROJECT SUMMARY**

The purpose of this project is a renewal/revision of permit 01610 issued to Rhodia Inc. on August 6, 2002. The application was received February 5, 2007 and was timely for the renewal of this permit.

**PROCESS DESCRIPTION**

This site is a sulfuric acid manufacturing plant. The PRO-REGEN unit is the heart of the plant which is designed to produce fresh sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) from reacted sulfuric acids or "sludges" produced by refineries and/or chemical plants. Hydrogen sulfide gas (H<sub>2</sub>S) and natural gas are burned to maintain proper operating parameters and sulfur dioxide (SO<sub>2</sub>) strengths.

The sludge and sulfur gas are sprayed into a combustion furnace (2000°F) where the hydrocarbons and sulfur are burned and the spent sulfuric acid is decomposed. The combustion gases pass through a boiler for heat recovery and then through a scrubbing tower, a direct contact gas cooler (660°F), two electrostatic precipitators,

and a drying tower.

The SO<sub>2</sub> gas is combined with oxygen in a vanadium substrate catalytic converter to convert the SO<sub>2</sub> into sulfur trioxide (SO<sub>3</sub>). From the converter the gas is finally sent to an absorbing tower where SO<sub>3</sub> reacts with water to form sulfuric acid. The gas that exits from the tower is passed through a mist removal element where any entrained acid is removed. The final gas stream enters an ammonia scrubber that reduces the concentration of un-reacted SO<sub>2</sub> gas. The tail gas is exhausted to the atmosphere.

#### **TECHNICAL REVIEW**

An Application for renewal of permit 01610 was submitted on February 2, 2007. All forms associated with a renewal including OP-2, OP-CR01, OP-1, OP-APCS, OP-REQ1, OP-REQ2, OP-REQ3, UA-3, OP-SUMR and OP-MON were received.

Included in the renewal were several revision updates.

- Updated High Level Terms and Conditions for Chapter 117 with newest version of requirements.
- Addition of tank T-6 to group GRPACIDTANK under the authorization of NSR permit 56534
- Addition of preheater PREHTRFURN under the authorization of Standard Exemption 007 version 08/11/1989.
- Change ID No. for unit LOAD-1 to BARGE-DOCK and update NSR authorization to permit 56534
- Updated authorizations for group GRPACIDTANK to NSR permit 56534 and unit PKBOILSTK to Standard Exemption 007 version 08/11/1989.
- Update the longitude and latitude for the site.

After peer review of permit, some minor changes were made. The applicant also submitted more information for unit 1 and PRO-REGEN for 40 CFR 60 Subpart H on October 9, 2007. These new requirements were added to the permit.

The draft permit was submitted to the applicant on (date): June 4, 2007

Did the applicant comment on the draft permit? Yes

If yes briefly describe the comments and the changes made to the draft permit (if applicable).

The recent update to Chapter 117 requirements did not fully change on all units. These applicable requirements needed to be updated to site the correct applicable requirements for specific units. The PSD permit authorization had been changed from PSD-TX-695 to PSD-TX-695M2. The name of the PSD needed to be updated. Correct the coordinates of the Longitude and Latitude on the face page of the permit.

#### **PERMIT SHIELD**

The permit shield was reviewed utilizing the IMS to determine negative applicability to requirements of the units on the permit shield and to verify that all data in the IMS is consistent with the word perfect document.

#### **MANUAL CHANGES TO PERMIT**

Longitude and Latitude on face page of permit.

#### **EMISSIONS BANKING AND TRADING PROVISIONS (Pursuant to 30 TAC Chapter 101, Subchapter H)**

**Is the site/permit area located in the Houston/Galveston ozone non-attainment area (as defined in 30 TAC Chapter 101, §101.1): Yes**

**Does the site collectively have an uncontrolled design capacity to emit ten tons or more per year of NO<sub>x</sub>: Yes**

A Special Term and Condition relating to the Mass Emission Cap and Trade Program for the

Houston/Galveston ozone nonattainment area pursuant to 30 TAC Chapter 101, Subchapter H, Division 3, is included in the permit.

**COMPLIANCE ASSURANCE MONITORING (CAM)/ PERIODIC MONITORING (PM)**

A review of the permit added additional CAM/PM for the following emission sources subject to the identified regulations:

Emission Unit ID	MS Monitoring Requirement	Applicable Regulatory Requirement	Main Standard	Pollutant
GRPACIDTNK	PM-V-008	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1)	VOC

**COMPLIANCE REVIEW**

**Compliance History**

In accordance with 30 TAC Chapter 60, a compliance history report was reviewed on (date): 08/28/2007  
The compliance period was from 02/05/2007 to 02/05/2002.

Was the application received after September 1, 2002? Yes

If yes, what was the site rating & classification? High and 0.0

Company rating & classification? Average and 1.51

Is the SOP recommended to be denied on the basis of the compliance history or rating? No

Has the permit changed on the basis of the compliance history or rating? No

**Enforcement Database Search**

The enforcement database was reviewed on 08/28/2007

**Compliance Status Summary**

The site has a compliance plan that has been approved by the regional office for unit T-16. This unit is a storage tank that needs to be controlled by a VRS and control device. The unit is out of service as of March 1, 2007. The vapor combustor will be installed and the unit will be put back in to operation. Progress reports will be submitted semi annually beginning six months after permit issuance.

**STATEMENT OF BASIS**

A Statement of Basis sets forth the legal and factual basis for the permit conditions.

The Statement of Basis was prepared on: 08/28/2007

The Statement of Basis GroupWise Document #(OPDP Database): 47187

**PUBLIC NOTICE INFORMATION**

Date Public Notice Authorization Package/Legislators letters mailed:

Publication Date: in

Date faxed copies of notice received:

Date Affidavit received:

Alternate/Bilingual Language Notice published? Yes or N/A

Language:

Publication Date: in  
Date faxed copies of notice received:  
Date Affidavit received:

Date APD-PN2 (Air Permits Public Notice Verification) Received:

Were Public Comments received?  
Was a Public Hearing requested? Hearing Held  
Was the Public Hearing request withdrawn?  
Date 'Response to Comments' submitted to Legal:  
Date Legal replied to reviewers 'Response to Comments':  
Did permit change as a result of any public comments?  
Did permit change as a result of any Affected State Comments?  
Was Re-Publication necessary?  
Discussion of Comments:

Discuss any changes to the Applicable Requirements that are not in agreement with the results generated by the RRT, or changes to the Terms and Conditions generated by the IMS in the 'Manual Changes to Permit Section' of the Technical Summary. **DELETE this paragraph when public notice is completed.**

#### **EPA REVIEW**

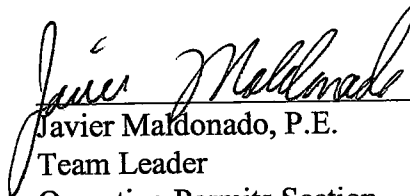
Beginning of EPA Review Period:  
Did the EPA comment on the proposed permit?

#### **PUBLIC PETITION PERIOD/FINAL STATE ACTION**

Effective permit issuance date:



Kimberli Evans  
Permit Reviewer  
Operating Permits Section  
Air Permits Division



Javier Maldonado, P.E.  
Team Leader  
Operating Permits Section  
Air Permits Division

#### **ATTACHMENTS**

IMS Tracking Elements  
Communication Log  
Administrative Data

# IMS TRACKING ELEMENTS

**Project Number:** 9948  
**Permit Number:** O01610  
  
**Project Type:** RENEWAL  
**Permit Type:** SOP  
  
**Company:** RHODIA INC  
**Site:** RHODIA-BAYTOWN PLANT  
**Account Number:** HG-0696-Q  
**Regulated Entity RN:** RN100211317  
**SIC:** 2819

<u>Assign Date</u>	<u>Last Name</u>	<u>First Name</u>	<u>Project Role</u>	<u>Phone Number</u>
02/28/2007	EVANS	KIMBERLI	REVIEW ENG	(512) 239-1100

<u>Stage</u>	<u>Start Date</u>	<u>Complete Date</u>	<u>Tracking Element</u>	<u>Type</u>
FSA/PPP			DATE OF EFFECTIVE / ISSUED PERMIT / AUTHORIZATION	STANDARD EVENT
FSA/PPP			DATE PROJECT COMPLETED	STANDARD EVENT
PN			DATE SIGN POSTING CERTIFICATION RECEIVED	STANDARD EVENT
EPA			EPA REVIEW PERIOD	STANDARD ACTIVITY
PN			PUBLIC NOTICE COMMENT PERIOD (TITLE V OR NSR #2)	STANDARD ACTIVITY
FSA/PPP			SECTION MANAGER REVIEW OF FINAL ACTION	STANDARD ACTIVITY
PN			SECTION MNGR REVIEW OF PN AUTH PKG	STANDARD ACTIVITY
FSA/PPP			TEAM LEADER REVIEW OF FINAL ACTION	STANDARD ACTIVITY
PN			TEAM LEADER REVIEW OF PN AUTH PKG	STANDARD ACTIVITY
WPO-FINAL			WPO 09 - DATE LETTER MAILED	OPTIONAL EVENT
IS	02/05/2007		DATE INITIAL INFO/APPL/REQUEST RECEIVED BY TCEQ	STANDARD EVENT
IS	02/05/2007		DATE PAR RECEIVED PROJECT	STANDARD EVENT
IS	02/09/2007		DATE PAR TRANSFERRED PROJECT TO APD	STANDARD EVENT
TR	03/05/2007		DATE PROJECT RECEIVED BY ENGINEER	STANDARD EVENT
TR	03/08/2007	08/08/2007	TECHNICAL REVIEW PERIOD	STANDARD ACTIVITY
TR	06/04/2007	07/17/2007	WORKING DRAFT PERMIT REVIEW BY APPLICANT	STANDARD ACTIVITY
TR	08/08/2007	09/17/2007	REQUEST FOR COMMENTS ON COMPLIANCE PLAN	OPTIONAL ACTIVITY
TR	08/28/2007		DATE COMPLIANCE HISTORY REVIEW COMPLETED	STANDARD EVENT
TR	09/18/2007		DATE DELINQUENT FEE CHECK COMPLETED	OPTIONAL EVENT
PN	10/05/2007		DATE PNAP DUE TO TEAM LEADER	STANDARD EVENT

### COMMUNICATION LOG

<b>Company Name</b>	<b>Application Area</b>	<b>Air Account Number</b>	<b>Regulated Entity Number</b>	<b>IMS Project Number</b>
Rhodia Inc	Baytown Plant	HG-0696-Q	Rn100211317	9948

<b>Contact</b>	<b>Title</b>	<b>Phone or E-Mail</b>	<b>Date</b>	<b>Notes</b>

## ADMINISTRATIVE DATA

**Responsible Official:** James Harton  
President Eco Services  
Rhodia Inc  
8 Cedar Brook Dr  
Cranbury, NJ 08512-7500

**Duly Authorized Rep:** Al Semaan  
Plant Manager  
Rhodia Inc  
8615 Manchester st  
Houston, TX 77012

**Technical Contact:** William F. Dickerson  
Environmental Manager  
Rhodia Inc  
Po Box 5275  
Houston, TX 77262  
phone: (713) 928-3411  
fax: (713) 928-3431  
email:

## Kimberli Evans - response to Rhodia Baytown Title V FOP01610/Proj# 9948 WDP

**From:** Wei Liu <WLiu@trinityconsultants.com>  
**To:** "Kimberli Evans" <KEvans@tceq.state.tx.us>  
**Date:** 10/23/2007 2:48 PM  
**Subject:** response to Rhodia Baytown Title V FOP01610/Proj# 9948 WDP  
**CC:** <floyd.dickerson@us.rhodia.com>

Hi Kimberli:

Here are the comments for the Baytown DWP

1 Page 2, D, PREHTRSTK should be dropped from the 117.303 exemption. The last sentence should be "... apply to the following unit: 1."

2 Page 2, E, Add PREHTRSTK. The last sentence should be "... apply to the following units: PKGBOILSTK, PREHTRSTK."

3 Page 13. Unit 1 is exempt from TAC 117 requirement. However, PREHTRSTK is now subject to 117. Please change the line to

Unit	Unit Type	Group/Inclusive Units	SOP Index	regulation
Driver PREHTRSTK Commercial	PREHEATER No changing attributes	N/A	R7ICI-0002	30 TAC Chapter 117,

4 Page 15, Unit 1 is exempt from TAC 117 requirement. However, PREHTRSTK is now subject to 117. Please change the line for Unit 1 to

ID No.	Citation
PREHTRSTK	117.300, 310, 335, 340, 345, 350, 354

5 Page 18, missed an entry for GRPACIDTNK

GRPACIDTNK	EU	R5112-0001	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112 (a)(1) § 115.112 (a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116 (a)(4) § 115.116 (a)(5) ** See Periodic Monitoring Summary	§ 115.116 (a)(4) § 115.116 (a)(5)	None

6 Page 22, formatting problem. A double line is missing for the table.

7 Is it better to add a special condition (Page 2 after E) to explicitly say something like this? Or it is already covered in Page 16 to 17?

The permit holder shall comply with the applicable requirements of 40 CFR Part 60 Subpart H. 40 CFR 60 apply to the following units: 1, PRO-REGEN.



Regards,

Trinity Consultants  
Direct line: 713-579-7145  
Phone 713-552-1371 ext. 245  
Fax: 713-552-1374

"Kimberli Evans" <KEvans@tceq.state.tx.us>

10/17/2007 09:43 AM

To "Wei Liu" <WLiu@trinityconsultants.com>

cc <floyd.dickerson@us.rhodia.com>

Subject Re: Rhodia Baytown Title V FOP01610/Proj# 9948, Subpart H

Sorry the attachment didnt load all the way. Here it is again. Thanks,

Kimberli

I didn't see the attachement. Could you also CC Floyd?

Regards,

Trinity Consultants  
Direct line: 713-579-7145  
Phone 713-552-1371 ext. 245  
Fax: 713-552-1374

"Kimberli Evans" <KEvans@tceq.state.tx.us>

10/17/2007 09:39 AM

To "Wei Liu" <WLiu@trinityconsultants.com>

cc

Subject Re: Rhodia Baytown Title V FOP01610/Proj# 9948, Subpart H

Wei,

I have updated the permit with the changes you suggested. Here is the WDP. The permit is ready for public notice. If everything is good with the new additions then I will porcess the application so the public notice package can be sent out shortly. Please let me know so that Rhodia FOP can be issued in a timely manner. Thank you for your cooperation.

Regards,

Kimberli

>>> Wei Liu <WLiu@trinityconsultants.com> 10/9/2007 4:36 PM >>>

Hi Kimberli:

Here is the OP-UA43 that you've requested. I created a ne SOP 60H-001 for PRO-REGEN and 1 units.

Regards,

Trinity Consultants  
Direct line: 713-579-7145  
Phone 713-552-1371 ext. 245  
Fax: 713-552-1374

---

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you Received this in error, please contact the sender and delete the material from any computer.

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---

Kimberli Evans - Rhodia Baytown FOP01610/Proj# 9948

From: Wei Liu <WLi@trinityconsultants.com>  
To: <KEvans@tceq.state.tx.us>  
Date: 10/9/2007 1:16 PM  
Subject: Rhodia Baytown FOP01610/Proj# 9948  
CC: <Floyd.Dickerson@us.rhodia.com>

Hi Kimberli:

We have some more questions regarding this one.

*OP-SUM R*

1 As of 7/23/07, the acid unit is subject to 40 CFR 60 Subpart H. Should we include this change to the permit?  
*Trinity to navigate DSS flow chart & fill out applicable UA form, if req'd*

2 On page 2, D

The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division

3. Title 30 TAC Chapter 117 Section 117. 303 apply to the following units: 1, PKGBOILSTK.

Unit 1 should be exempt under 117.303(a)(4). Because unit 1 is the furnace.

3 page 5 (a)

If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(1) and (a)(1)(A).

We just need to confirm that RO signature is required for this if there is no visibility problem.

*as in all regular routine Compliance Certifications for # 9*

4 Page 5 D

If we need to include NSPS subpart H, then we should add this requirement for the steam generators

5 Page 6, 5

The permit holder shall comply with certified registrations submitted to the TCEQ for purposes of establishing federally enforceable emission limits. A copy of the certified registration shall be maintained with the permit. Records sufficient to demonstrate compliance with the established limits shall be maintained. The certified registration and records demonstrating compliance shall be provided, on request, to representatives of the appropriate TCEQ regional office and any local air pollution control agency having jurisdiction over the site. ....

*APD-CERT, PI-7, etc to establish different emission limitation or low standard limits*

*if need more than*

What does certified registration mean? Is it something like PBR PI-7 registration?

*Trinity to call regional office*

6 Page 9, 14

Formatting problem. Last two lines are to the left

7 Page 14, row PREHTRSTK,

Type should be EU, not blank

8 Page 19 Permit shield

We requested T-6 added to the permit. T-6 was built before 1973. Therefore, T-6 should be added to the permit shield together with T-5, T-7 and T-8.

If NSPS subpart H is required, then PRO-REGEN should no longer under permit shield.

9 Page 24, Compliance Plan and Schedule

the phrase "Tank T-16 will be ..." should be changed to "Tank T-16 was ..."

10 Based on 10/01/07 phone conversation with Sandy at TCEQ, the PREHTRSTK is subject to 30 TAC 117.

Please remove it from permit shield.

Regards,

Trinity Consultants

Direct line: 713-579-7145

Phone 713-552-1371 ext. 245

Fax: 713-552-1374

---

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---

**Kimberli Evans - Rhodia Baytown FOP01610/Proj# 9948**

---

**From:** Wei Liu <WLi@trinityconsultants.com>  
**To:** <KEvans@tceq.state.tx.us>  
**Date:** 10/9/2007 1:16 PM  
**Subject:** Rhodia Baytown FOP01610/Proj# 9948  
**CC:** <Floyd.Dickerson@us.rhodia.com>

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5 Page 6, 5

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Regards,

Trinity Consultants

Direct line: 713-579-7145

Phone 713-552-1371 ext. 245

Fax: 713-552-1374

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**Kimberli Evans - Re: Rhodia Compliance plan**

---

**From:** Diana Sullivan  
**To:** Evans, Kimberli  
**Date:** 9/18/2007 7:29 AM  
**Subject:** Re: Rhodia Compliance plan

---

Sorry about the delay. It appears that the investigator did the work, but didn't communicate with you. He left the agency at the end of August. According to the comments in the report, there were no issues.

Again, sorry about the lack of response from the investigator.

Diana Sullivan  
Air Team Leader  
TCEQ Houston Regional Office  
713/767-3744; 713/767-3761 fax  
[disulliv@tceq.state.tx.us](mailto:disulliv@tceq.state.tx.us)

>>> Kimberli Evans 9/14/2007 2:57 PM >>>

I would like to check the status of the RFC for a compliance plan sent on 8/6 with a follow up on 8/9 for Rhodia Inc

RN:100211317

Thanks

Kimberli Evans  
TCEQ Air Permits Division  
512.239.1100

**Kimberli Evans - Re: Working Draft Permit (WDP) Rhodia FOP01610/Proj# 9948**

---

**From:** Kimberli Evans  
**To:** Liu, Wei  
**Date:** 7/19/2007 3:30 PM  
**Subject:** Re: Working Draft Permit (WDP) Rhodia FOP01610/Proj# 9948

---

Wei,

Looking at the submitted forms the tanks have the VDU as the control device. If this is the main control device and the scrubber is the secondary, our PM specialist does not believe that there is a need to have the PM on the scrubber. If the scrubber is already covered in the NSR permit, then those requirement should be sufficient. Looking through our Unit Attribute forms, there are no forms that are applicable to the scrubber so there is no need to the PM. I hope that this answers your concerns

Thanks,  
Kimberli

>>> Wei Liu <WLiu@trinityconsultants.com> 7/19/2007 3:09 PM >>>

Hi Kimberli:

As for the scrubber (EMSCRUBSTK) periodic monitoring (PM), please help me to determine if it is really needed. They have the special condition for monitoring pH in their NSR permit 56534. Maybe we should drop that from the response to your WDP.

Regards,

Trinity Consultants  
Direct line: 713-579-7145  
Phone 713-552-1371 ext. 245  
Fax: 713-552-1374

---

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**From:** Kimberli Evans  
**To:** floyd.dickerson@us.rhodia.com  
**Date:** 5/30/2007 3:13:53 PM  
**Subject:** FOP 01610 Rhodia/ Proj 9948

Mr. Dickerson,

I am preparing the Work Draft Permit for your renewal of permit 1610 Baytown Plant. In the pervoius permit there is Periodic monitoring Requirements on the group GRPACIDTNK which is inclusive to units T-5, T-6, T-7, T-8. An OP MON form was not submitted with the revision application. According to the information provided in the previous application, and the applicability engine ran on these units, that monitoing is still needed. Do you wish to continue to have these units under this requirement? Please let me know what you would like to do.

Regards,

Kimberli Evans]TCEQ  
Air Permits Division  
512.239.1100

**From:** Kimberli Evans  
**To:** floyd.dickerson@us.rhodia.com  
**Date:** 6/6/2007 10:09:11 AM  
**Subject:** Working Draft Permit (WDP) Rhodia FOP01610/Proj# 9948

I have conducted a technical review of renewal/revision application for Rhodia Inc., Baytown Plant. I have generated a Working Draft Permit (WDP), and an electronic copy is attached for your review. This WDP contains the TCEQ determination of applicable requirements based on the information submitted in your application, and any updates provided.

Please review the WDP and submit to me any comments you have on the working draft permit by July 6, 2007. You must submit a written response by this deadline, even if you are not making any comments on the content of the WDP.

Along with your comments for the WDP, please submit an updated OP-1 form with the correct information for a Public Notice Contact, and an address for the Place that the public notice will be accessible to the public.

In accordance with the policy memorandum dated January 6, 2006 available at <http://www.tceq.state.tx.us/assets/public/permitting/air/memos/voidguide06.pdf>, please be advised that failure to submit all of the information necessary to process your application by the deadline specified will result in the voidance of this application.

Please review the second portion of the "SOP Technical Review Fact Sheet" located at [http://www.tceq.state.tx.us/permitting/air/titlev/site/sop\\_wdp\\_factsheet.html](http://www.tceq.state.tx.us/permitting/air/titlev/site/sop_wdp_factsheet.html). This guidance contains important information regarding WDP review and comment procedures. Note that a Certification by Responsible Official (Form OP-CRO1) for any as yet uncertified submittals, including the WDP response, is required be submitted with the WDP response. Contact me if you have any questions regarding the guidelines, the project schedule, or any other details regarding your application or permit.

Thank you for your cooperation.

Sincerely,

Kimberli Evans  
Air Permits Division  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 163  
Austin, TX 78711  
Phone: (512) 239-1100  
Fax: (512) 239-5698

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
Martin A. Hubert, *Commissioner*  
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

February 9, 2007

MR AL SEMAAN  
PLANT MANAGER  
RHODIA INC  
8615 MANCHESTER ST  
HOUSTON TX 77012

Re: Rhodia, Inc.  
Baytown, Harris County  
Permit Number: O1610  
Customer Reference Number: CN600125330  
Regulated Entity Numbers: RN100211317  
Account Numbers: HG-0696-Q

Dear Mr. Semann:

The staff of the Texas Commission on Environmental Quality (TCEQ) has determined that Rhodia, Inc., is delinquent with regard to the payment of the following fees.

Fees

The fees owed are Consolidated Water Quality late fees for December 11, 2006 in the amount of \$2,749.39.

Failure to pay the delinquent fees and penalties described above within 30 days of the date of this letter may result in return or denial of your application.

If you believe that your liability for any portion of the delinquency noted above has been discharged in bankruptcy, or if you are presently a debtor in a pending bankruptcy proceeding, please immediately furnish the undersigned with file-stamped copies of the following pleadings from the bankruptcy court where your bankruptcy case was/is filed: (1) Bankruptcy Petition; (2) Schedules and Statement of Affairs; (3) Creditor Matrix/Matrices; and (4) Discharge Order or Confirmation Order. Please include any additional documents from the bankruptcy court that you believe are relevant to your responsibilities for the noted delinquency. We will immediately review these pleadings and take appropriate action regarding your permit application.

7004 1350 0000 4764 2854

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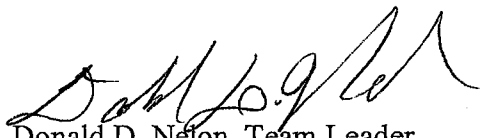
Total Post: MR AL SEMAAN  
PLANT MANAGER  
RHODIA INC  
8615 MANCHESTER ST  
HOUSTON TX 77012

Sent To \_\_\_\_\_  
Street, Apt. \_\_\_\_\_  
or PO Box # \_\_\_\_\_  
City, State, \_\_\_\_\_

Mr. Al Semaan  
Page 2  
February 9, 2007

Please send documentation reflecting payment of all delinquent fees and penalties to me. If you have any questions regarding this matter you may contact me at (512) 239-0894 or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-161), P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,



Donald D. Nelson, Team Leader  
Air Permits Initial Review Team  
Air Permits Division  
Texas Commission on Environmental Quality

DDN/bob

cc: TCEQ Regional Air Program Manager, Region 12

**Program Fee Coordinators as of June 2006**

<b>FEE</b>	<b>FEE TYPE</b>	<b>PROGRAM FEE COORD.</b>
AEF	AIR EMISSIONS FEE	AQPI Division (512) 239-1459
AST	ABOVEGROUND STORAGE TANKS	PST Registration Team (512) 239-2160
BLP	WATERSHED MGMT. BENEF. LAND APPLIC.	Janet Wyman (512) 239-0156
CDP	HW COMMERCIAL (COUNTY)	Kimberly Sladek (512) 239-1588
CRW	CONCHO RIVER WATERMASTER	Al Segovia (210) 490-3096
CWQ	CONSOLIDATED WATER QUALITY FEE	WQ Applications Team (512) 239-4671
DCR	DRYCLEANING REGISTRATION FEE	Drycleaner Reg. Team (512) 239-2160
EIF	AIR INSPECTION FEE	AQPI Division (512) 239-1459
GPS	GENERAL PERMIT STORMWATER FEE	Janet Wyman (512) 239-0156 *
GPW	GENERAL PERMIT WASTEWATER FEE	Janet Wyman (512) 239-0156 *
HWC	HW COMMERCIAL (MGMT. FEES)	Kimberly Sladek (512) 239-1588
HWF	HAZARDOUS WASTE FACILITY	Kimberly Sladek (512) 239-1588
HWG	HAZARDOUS WASTE GENERATION	Keiandre McGruder (512) 239-4112
HWX	HW COMMERCIAL (MGMT. FEES)	Kimberly Sladek (512) 239-1588
ILP	INNOCENT LANDOWNER	Diana Christiano (512) 239-5696
NWF	NONHAZARDOUS WASTE FACILITY	Kimberly Sladek (512) 239-1588
NWG	NONHAZARDOUS WASTE GENERATION	Keiandre McGruder (512) 239-4112
Penalties	ADMIN PENALTIES - CAV, WDV, WQV, DCP, QWV	Brenda Loggins (512) 239-5136
PFS	PLUMBING FIXTURE STANDARDS	Scott Swanson (512) 239-0703
PHS	PUBLIC HEALTH SERVICE	Terri Cisneros (512) 239-6963
RGR	RIO GRANDE WATERMASTER	Ed Vela (956) 430-6043
SDP	SURFACE DISPOSAL FEE	Janet Wyman (512) 239-0156
STX	SOUTH TEXAS WATERMASTER	Al Segovia (210) 490-3096
SWD	SOLID WASTE DISPOSAL FACILITIES	Elvi Yzaguirre (512) 239-6700
TOX	TOXIC REPORTING FEE	Blake Kidd (512) 239-1441
UST	UNDERGROUND STORAGE TANKS	PST Registration Team (512) 239-2160
VCP	VOLUNTARY CLEAN-UP	Diana Christiano (512) 239-5696
WMB	WATERSHED MGMT. BENEF. LAND USE	Janet Wyman (512) 239-0156
WMS	WATERSHED MGMT. SLUDGE HAULERS	Marc Fuentes (512) 239-1045
WQA	WATER QUALITY ASSESSMENT	Cory Horan (512) 239-4026
WSS	WATERSHED SLUDGE STICKER	Marc Fuentes (512) 239-1045
WTR	WASTEWATER TRTMT. RESRCH. COUNCIL	Cathy Rutherford (512) 239-0172
WUF	WATER USE ASSESSMENT (WTR. RIGHTS)	Cory Horan (512) 239-4026
WWI	WASTEWATER INSPECTION	Laurie Lancaster (512) 239-4418

**\* Notes:**

GPW permit processing handled by App. Review & Processing Team, x4671

GPS permit processing handled by Tx. State Univ. (512) 245-0130 or swpermit@tceq.state.tx.us



2/6/2007 10:29:15AM

**PROPHECY A/R OUTSTANDING PAST DUE TRANSACTIONS REPORT**

<u>ACCOUNT</u>	<u>FEE</u>	<u>CUSTOMER NAME</u>	<u>INVOICE</u>	<u>FAC/PER</u>	<u>TRAN DATE</u>	<u>DUE DATE</u>	<u>DESCRIPTION</u>	<u>TRAN BALANCE</u>	<u>OUTSTANDING</u>
23700248	WDV	RHEEM MANUFACTURING COMPANY	WDVBFWD190	990432IHWE	DEC31,03	JAN30,04	ADMIN PENALTY FWD	FY99	35,000.00
<b>TOTAL ACCOUNT: 23700248</b>									<b>35,000.00</b>
<b>RHINOPAK L.P.</b>									
<b>0501301</b>									
0501301	TOX	RHINOPAK L.P.	SC2703-001	0024355	NOV10,06	NOV10,06	LATE FEE FOR TOX0024355		0.17
<b>TOTAL ACCOUNT: 0501301</b>									<b>0.17</b>
<b>RHODEN BUILDERS</b>									
<b>20016318</b>									
20016318	GPS	RHODEN BUILDERS	SC2611-001	TXR15U522	JUL10,06	JUL10,06	LATE FEE FOR GPS0065783		0.00
20016318	GPS	RHODEN BUILDERS	SC2612-001	TXR15U522	AUG10,06	AUG10,06	LATE FEE FOR GPS0065783		0.69
20016318	GPS	RHODEN BUILDERS	SC2701-001	TXR15U522	SEP11,06	SEP11,06	LATE FEE FOR GPS0065783		0.69
<b>TOTAL ACCOUNT: 20016318</b>									<b>2.07</b>
<b>RHODIA INC</b>									
<b>23000876</b>									
23000876	CWQ	RHODIA INC	SC2704-001	002537-000	DEC11,06	DEC11,06	LATE FEE FOR CWQ0015391		2,749.39
<b>TOTAL ACCOUNT: 23000876</b>									<b>2,749.39</b>
<b>RH OF TEXAS LIMITED PARTNERSHI</b>									
<b>20010548 MAIL</b>									
20010548	GPS	RH OF TEXAS LIMITED PARTNERSHI	SC2511-001	TXR15E559	JUL11,05	JUL11,05	LATE FEE FOR GPS0037070		0.52
<b>TOTAL ACCOUNT: 20010548</b>									<b>0.52</b>
<b>RHONDA MILLICAN</b>									
<b>24003980</b>									
24003980	DCR	RHONDA MILLICAN	SC2701-001	104992060	SEP11,06	SEP11,06	LATE FEE FOR DCR0030746		3.13
<b>TOTAL ACCOUNT: 24003980</b>									<b>3.13</b>
<b>RHR DEVELOPMENT</b>									
<b>0041158U UNCO UN07</b>									
0041158U	UST	RHR DEVELOPMENT	UST0332023	37669	MAR16,94	APR15,94	U'GROUND TANK FEE TANK :FY94Q4		150.00
0041158U	UST	RHR DEVELOPMENT	UST0355120	37669	SEP30,94	OCT30,94	U'GROUND TANK FEE TANK :FY95		150.00
0041158U	UST	RHR DEVELOPMENT	UST0393170	37669	OCT06,95	NOV05,95	U'GROUND TANK FEE TANKS:FY96		150.00
<b>TOTAL ACCOUNT: 0041158U</b>									<b>450.00</b>
<b>RHS REALTY INC</b>									
<b>0033473U MAIL UN07</b>									
0033473U	UST	RHS REALTY INC	UST0192388	13818	JUN25,91	JUL25,91	U'GROUND TANK FEE TANK :FY88Q4		100.00
0033473U	UST	RHS REALTY INC	UST0193216	13818	JUN25,91	JUL25,91	U'GROUND TANK FEE TANK :FY89Q4		100.00
0033473U	UST	RHS REALTY INC	UST0194143	13818	JUN25,91	JUL25,91	U'GROUND TANK FEE TANK :FY90Q4		200.00
<b>TOTAL ACCOUNT: 0033473U</b>									<b>400.00</b>

RIAZ GULAMALI

**Donald Dale Nelon - FW: Waiver of Late Fees**

---

**From:** "Dickerson, Floyd" <Floyd.Dickerson@us.rhodia.com>  
**To:** <dnelon@tceq.state.tx.us>  
**Date:** 2/9/2007 2:45 PM  
**Subject:** FW: Waiver of Late Fees

---

Don,

As we just spoke, the TCEQ has issued a one-time waiver for the late fees for the Vernon, Texas plant.

If you have any additional questions, please don't hesitate to contact me.

Floyd Dickerson  
Environmental Manager  
Phone: 713-924-1408  
Cell: 281-541-1556

---

**From:** Dickerson, Floyd  
**Sent:** Thursday, February 08, 2007 9:41 AM  
**To:** 'Stephen E. Anderson'  
**Subject:** FW: Waiver of Late Fees

Stephen,

A resolution on the Vernon late fee.

Floyd

---

**From:** Chow, Mike T.  
**Sent:** Wednesday, February 07, 2007 9:43 AM  
**To:** Garmon, Jeff  
**Cc:** Dickerson, Floyd; Newth, David  
**Subject:** RE: Waiver of Late Fees

Jeff,

Excellent news! I'll pass this on to Floyd so he can contact TCEQ.

Thanks again.  
Mike

---

**From:** Garmon, Jeff  
**Sent:** Wednesday, February 07, 2007 9:41 AM  
**To:** Chow, Mike T.  
**Subject:** FW: Waiver of Late Fees



---

**From:** Kathy Frew [mailto:KFREW@tceq.state.tx.us]  
**Sent:** Wednesday, February 07, 2007 9:40 AM  
**To:** Garmon, Jeff  
**Subject:** Re: Waiver of Late Fees

Hi Jeff,

I have reviewed all of Rhodia's accounts and while account 23000876 has always been paid on time, this is not true of all the accounts. That being said, Rhodia has not previously requested a waiver for previously assessed late fees so I can issue a one time late fee waiver. All future fees on all Rhodia accounts will have to be paid on time or late fees will be assessed and they will be due.

I will request that the late fees be credited today. If you have any questions, please let me know.

Kathy  
TCEQ Revenue Section

>>> "Garmon, Jeff" <Jeff.Garmon@us.rhodia.com> 2/2/2007 11:03 AM >>>

Kathy, I am writing about Account 23000876 for Rhodia Inc. We were late paying for Permit 002537-000 FY07 and have been charged a late fee of \$2,749.39.

I spoke with Amy with TCEQ's Revenue Dept (512-239-0344). She reviewed our account and said we have not been late before, and I could e-mail you to see if you will waive the late fee. The reason I am asking is that Rhodia's plant in Houston, TX has an air permit being held due to the Vernon, TX plant having this outstanding late fee.

Would you please review our account and waive the late fees, so that the Houston, TX plant air permit is processed promptly?

Thanks for your consideration.

Jeff Garmon  
Rhodia Inc  
Plant Manager  
Vernon, TX

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**Eco Services Enterprise  
Houston/Baytown Plants**

RHODIA INC.  
P.O. BOX 3331  
3439 PARK ST.  
BAYTOWN, TX. 77522-3331

AIR PERMITS DIVISION

**CERTIFIED MAIL: Return Receipt Requested (7007 0220 0000 4422 2615)**

JUL 17 2007

July 13, 2007

RECEIVED

Ms. Kimberli Evans  
Texas Commission on Environmental Quality  
Office of Permitting, Remediation and Registration  
Air Permits Division (MC-163)  
P.O. Box 13087  
Austin, TX 78711-3087



Re: Rhodia Inc. (CN600125330)  
Baytown Plant (RN100211317)  
Air Permit No. O-01610  
Comments to Working Draft of Title V Permit  
Account No.: HG-0696-Q  
Project No.: 9948

Dear Ms. Evans:

Rhodia has prepared comments on the working draft Title V permit O-01610 for the Baytown plant.

If you have any questions on the comments, please do not hesitate to contact me at (713) 924-1408.

Sincerely,

W. F. Dickerson  
Environmental Manager

Attachments



**Form OP-CRO1**  
**Certification by Responsible Official**  
**Federal Operating Permit Program**

All initial permit application, permit revision, renewal, and reopening submittals requiring certification must be accompanied by this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications (other than public notice verification materials) must be certified prior to authorization of public notice for the draft permit. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

I. IDENTIFYING INFORMATION			
A. Account No.:	HG-0696-Q	B. RN: RN100211317	C. CN: CN600125330
D. Permit No.:	O-01610	E. Project No.: 9948	
F. Area Name:	Baytown Plant		
G. Company Name:	Rhodia, Inc.		
II. CERTIFICATION TYPE <i>(Please mark the appropriate box(es))</i>			
A. <input type="checkbox"/> Responsible Official:			
B. <input checked="" type="checkbox"/> Duly Authorized Representative:			
C. <input type="checkbox"/> Designated Representative <i>(Title IV acid rain sources only)</i> :			
D. <input type="checkbox"/> Alternate Designated Representative <i>(Title IV acid rain sources only)</i> :			
III. SUBMITTAL TYPE <i>(Place an "X" in the appropriate box) (Only one response can be accepted per form)</i>			
<input type="checkbox"/> SOP/TOP Initial Permit Application	<input type="checkbox"/> Update to Permit Application		
<input type="checkbox"/> GOP Initial Permit Application	<input checked="" type="checkbox"/> Other <u>Response to WDP Proj# 9948</u>		
<input type="checkbox"/> Permit Revision, Renewal, or Reopening			
IV. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS			
<p><b>This certification does not extend to information which is designated by the TCEQ as information for reference only.</b></p> <p>I, <u>Al Semaan</u>, certify that I am the <u>DAR</u> and that, based on information <i>(Name printed or typed)</i> <span style="float: right;"><i>(RO, DAR, DR, and/or ADR)</i></span></p> <p>and belief formed after reasonable inquiry, the statements and information dated during the time period in IV.1. below, OR on a specific date(s) in IV.2. below, are true, accurate, and complete:</p> <p><i>Note: Enter EITHER a Time Period OR Specific Date(s) for each certification.</i></p> <p>1. Time Period: From _____ to _____  <span style="margin-left: 100px;"><i>Start Date*</i></span> <span style="margin-left: 100px;"><i>End Date*</i></span></p> <p style="text-align: center;">OR</p> <p>2. Specific Dates: <u>07-12-2007</u> _____ _____ _____ _____ _____ _____ _____ _____  <span style="margin-left: 20px;"><i>Date 1*</i></span> <span style="margin-left: 20px;"><i>Date 2*</i></span> <span style="margin-left: 20px;"><i>Date 3*</i></span> <span style="margin-left: 20px;"><i>Date 4*</i></span> <span style="margin-left: 20px;"><i>Date 5*</i></span> <span style="margin-left: 20px;"><i>Date 6*</i></span> <span style="margin-left: 20px;"><i>Date 7*</i></span> <span style="margin-left: 20px;"><i>Date 8*</i></span></p> <p><small>* The start and end dates of the "Time Period," or "Specific Dates" 2-8, should <b>only</b> be completed when the box for "Update to Permit Application" in Section III of this form, is marked or a submittal package has multiple dates recorded in the documentation. A Time Period may <b>not</b> be used if the "Submittal Type" in Section III of this form, is "Other" and the specific material being certified is an "Annual Compliance Certification," a "Monitoring Report," "Progress Report," "Deviation Report," or "Test Report."</small></p>			
Signature:	Signature Date: <u>7/13/07</u>		
Title: _____	Plant Manager		

**Response to TCEQ  
Working Draft Permit  
Rhodia Inc., Baytown Plant  
FOP O-01610  
Project 9948**

July 12, 2007

**1. Page 4 Special Terms and Conditions 1.D**

*"The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC Chapter 117 Section 117.303 apply to the following units: 1, PKGBOILSTK."*

New version of 30 TAC §117 became effective on 6/14/2007 (32 TexReg 3206). The package boiler stack (PKGBOILSTK) is not exempted based on 30 TAC §117.303. ✓

PKGBOILSTK will comply with applicable requirements of 30 TAC §117.300, §117.310, §117.335, §117.340, §117.345, §117.350, and §117.354.

**2. Page 4 Special Terms and Conditions 1.E**

*"The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC Chapter 117 Section 117.330 apply to the following unit: PREHTRSTK"*

Since the preheater (PREHTRSTK) is part of the sulfur regeneration unit, it is exempt under 30 TAC §117.303. Please see updated REQ2 form. ✓

**3. Page 4 Special Terms and Conditions 2**

*"Permit holder shall comply with the requirements in the prevention of significant deterioration (PSD) permit Number PSD-TX-695 for the following pollutants: SO2."* ✓

The PSD Permit was modified in 1990. The new permit number is PSD-TX-695M2.

**4. Page 9 Special Terms and Conditions 11. A(i)(1)**

*"Title 30 TAC § 117.9020(1)"*

Since the package boiler is now subjected to higher terms of §117, it is not subject to §117.305 (RACT). Therefore, §117.9020(1) does not apply. ✓

**5. Page 16 Applicable Requirements Summary, PREHTRSTK**

*"§ 117.201*

*The permit holder shall comply with the applicable limitation, standard and/or equipment specification requirements of 30 TAC Chapter 117, Commercial"*

Since the preheater is exempt under §117.303, this line should be deleted.

Instead, another row for Unit 1 with the same §117 requirements should be added. Also, a SOP index R7ICI-0001 has been created. See updated REQ3.

**6. Page 16 Applicable Requirements Summary, 1** ✓  
"PSD-TX-695"

The permit number is PSD-TX-695M2.

**7. Page 24 New Source Review Authorization References** ✓  
"PSD-TX-695"

The permit number is PSD-TX-695M2.

**8. Page 25 New Source Review Authorization References by Emissions Unit** ✓  
"PSD-TX-695"

The permit number is PSD-TX-695M2.

**9. Periodic Monitoring**

~~Rhodia agrees that current periodic monitoring (PM) should remain in place according to TCEQ guidance regarding Chapter 115.~~

In addition, based on the same guidance, Rhodia would like to add another PM for directing GRPACIDTNK emissions to caustic scrubber (EMSCRUBSTK). Please see attached PM form.

not wanting  
to  
add  
PM for  
scrubber



**Form OP-1 (Page 1)  
Site Information Summary  
Federal Operating Permit Application**

**TCEQ Use Only**

THIS FORM MUST BE SUBMITTED FOR ABBREVIATED AND FULL APPLICATIONS. Abbreviated applications may be submitted for an entire site and are not required to contain the information requested in Section X. Full applications must contain the information requested in all sections and must be submitted for each permit requested at the site. Refer to the form instructions for specific guidance to aid in completing this application. General information is provided in the Texas Commission on Environmental Quality (TCEQ) document entitled "Federal Operating Permit Application Guidance." Print or type all information. Title 30 Texas Administrative Code §§ 122.133 and 122.134 (30 TAC §§ 122.133 and 122.134) requires the submittal of a timely and complete application. A timely and complete application will receive an application shield, as defined in 30 TAC § 122.138. Failure to supply any additional information requested by the TCEQ that is necessary to process the permit application may result in loss of the application shield. Please direct any questions regarding this application form to the Office of Permitting, Remediation and Registration, Air Permits Division (APD) at (512) 239-1334 or Fax no. (512) 239-1070. Address written inquiries to Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration, Air Permits Division (MC 163), P.O. Box 13087, Austin, Texas 78711-3087.

<b>I. COMPANY IDENTIFYING INFORMATION</b>													
A. Company Name: Rhodia Inc.													
B. Customer Reference Number (if issued):					CN	CN600125330							
C. Submittal Date: 07/14/2007													
<b>II. SITE INFORMATION</b>													
A. Site Name: Baytown Plant													
B. Regulated Entity Reference Number (if issued):					RN	RN100211317							
C. Primary Account Number for Site:					HG- 0696-Q								
D. Indicate affected state(s) required to review permit application <sup>1,2</sup> (Place an "X" in the appropriate box[es]).													
AR		CO		KS		LA		NM		OK		NA	x
E. Indicate major source classifications based on the site's potential to emit:													
Pollutant		VOC (Ozone)	NO <sub>x</sub> (Ozone)	SO <sub>2</sub>	PM <sub>10</sub>	CO	Pb	HAPS	Other				
Major Source Threshold (tons per year):		Varies <sup>3</sup>	Varies <sup>3</sup>	100	100	100	100	10/25	100				
Major at the Site (YES/NO):		NO	NO	YES	NO	NO	NO	NO	NO				
F. Is the source a minor source subject to the Federal Operating Permit Program?										NO			
G. Is the site within a local program area jurisdiction?										NO			
H. Will emissions averaging be used to comply with any Subpart of 40 CFR Part 63?										NO			
I. Indicate the 40 CFR Part 63 Subpart(s) that will use emissions averaging:													
<b>III. PERMIT TYPE</b>													
A. Type of Permit Requested: (Select <u>only one</u> response and place an "X" in the box.)													
Site Operating Permit (SOP)			x	Temporary Operating Permit (TOP)			General Operating Permit						
<b>IV. INITIAL APPLICATION INFORMATION</b>													
A. Is this submittal an abbreviated or a full application? (Place an "X" in the appropriate box)							Abbreviated		Full				
B. If this is a full application, is the submittal a follow-up to an abbreviated application? (YES/NO)													
<b>V. CONFIDENTIAL INFORMATION</b>													
A. Is confidential information submitted in conjunction with this application? (YES/NO)										NO			

1. Indicate "NA" for general operating permit (GOP) applications.
2. Indicate "NA" for site operating permit (SOP) and temporary operating permit (TOP) applications not requiring affected state review.
3. Major source threshold depends on location (county) of the site. See instructions for more information.

**APIRT  
SEP 28 2007**



**Form OP-1 (Page 2)  
Site Information Summary  
Federal Operating Permit Application**

<b>VI. RESPONSIBLE OFFICIAL (RO) OR DESIGNATED REPRESENTATIVE (DR) IDENTIFYING INFORMATION</b>		
A. RO/DR Name: ( <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.) Al Semaan		
B. RO/DR Title: Plant Manager		
C. Employer Name: Rhodia Inc.		
D. Mailing Address: 8615 Manchester		
City: Houston	State: Texas	Zip Code: 77012
Territory:	Country:	Foreign Postal Code:
E. Internal Mail Code:		
F. Telephone: 713-924-1401	G. Fax: 713-928-3431	H. E-mail: al.semaan@us.rhodia.com
<b>VII. TECHNICAL CONTACT IDENTIFYING INFORMATION (If different from RO or DR information)</b>		
A. Technical Contact Name: ( <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.) Floyd Dickerson		
B. Technical Contact Title: Environmental Manager		
C. Employer Name: Rhodia Inc.		
D. Mailing Address: 8615 Manchester		
City: Houston	State: Texas	Zip Code: 77012
Territory:	Country:	Foreign Postal Code:
E. Internal Mail Code:		
F. Delivery Address:		
City:	State:	Zip Code:
Territory:	Country:	Foreign Postal Code:
G. Internal Mail Code:		
H. Telephone: 713-924-1408	I. Fax: 713-921-0374	J. E-mail: floyd.dickerson@us.rhodia.com
<b>VIII. REFERENCE ONLY REQUIREMENTS (For reference only)</b>		
A. State Senator: John Whitmire, District 15		B. State Representative: Wayne Smith, House District 128
C. Has the applicant paid emissions fees for the most recent agency fiscal year <sup>4</sup> ?		YES
D. Is the site subject to bilingual notice requirements pursuant to 30 TAC § 122.322?		YES
E. Indicate the alternate language(s) in which public notice is required:		
Spanish		

4. Agency fiscal year is September 1 - August 31.





**Form OP-1 (Page 3)  
Site Information Summary  
Federal Operating Permit Application**

<b>IX. OFF-SITE PERMIT REQUEST (Optional for applicants requesting the right to hold the permit at an off-site location.)</b>		
A. Office/Facility Name:		
B. Delivery Address:		
City:	State:	Zip Code:
Territory:	Country:	Foreign Postal Code:
C. Physical Location:		
D. Contact Name: ( __ Mr. __ Mrs. __ Ms. __ Dr.)		E. Telephone:
<b>X. APPLICATION AREA INFORMATION (Complete this section only if submitting a full application, or an update to a phased application, or an abbreviated acid rain application.)</b>		
A. Area Name:		
B. Delivery Address:		
City:	State:	Zip Code:
C. Physical Location:		
D. Nearest City:	E. State:	F. Zip Code:
G. Latitude (nearest second): 29 44 51	H. Longitude (nearest second): 95 0 07	
I. Are there any emission units that were not in compliance with the applicable requirements identified in the application at the time of application submittal? (YES/NO)		
J. Indicate the estimated number of emission units in the application area:		
K. Are there any emission units in the application area subject to the Acid Rain Program? (YES/NO)		
<b>XI. PUBLIC NOTICE (Complete this section only for SOP and Acid Rain Permit Applications.)</b>		
A. Name of public place to view application and draft permit: Sterling Municipal Library		
B. Physical Address: Mary Elizabeth Wilbanks Ave.		
City: Baytown	Zip Code: 77520	
C. Contact Person (Someone who will answer questions from the public, during the public notice period): ( <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.) Floyd Dickerson		
D. Contact Mailing Address: 8615 Manchester		
City: Houston	State: Texas	Zip Code: 77012
Territory:	Country:	Foreign Postal Code:
E. Internal Mail Code:		
Telephone: 713-924-1408		
<b>XII. DELINQUENT FEES AND PENALTIES</b>		
<p>Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the "Delinquent Fee and Penalty Protocol." For more information regarding Delinquent Fees and Penalties, go to the TCEQ Web site at: <a href="http://www.tceq.state.tx.us/agency/delin/index.html">www.tceq.state.tx.us/agency/delin/index.html</a>.</p>		

CD



**Form OP-REQ2  
Negative Applicable Requirement Determinations  
Federal Operating Permit Program**

<b>Date:</b> 07/12/07	<b>Account No.:</b> HG-0696-Q	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant		

Addition or Deletion	Revision No.	Unit/Group/Process		Potentially Applicable Regulatory Name	Negative Applicability Citation	Negative Applicability Reason
		ID No.	Applicable Form			
D	7	T-16	OP-UA3	Chapter 115	§ 115.117(a)(1)	Tank true vapor pressure (TVP) is less than 1.5 psia.
A	8	PREHTRSTK	OP-UA5	Chapter 117	§117.303(a)(4)	Preheater belongs to sulfuric acid regeneration unit



**Applicable Requirements Summary  
Form OP-REQ3 (Page 1)  
Federal Operating Permit Program**

**Table 1a: Additions**

<b>Date:</b> 7/12/2007	<b>Account No.:</b> HG-0696-Q	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant		

Revision No.	Unit/Group/Process		SOP/GOP Index No.	Pollutant	Applicable Regulatory Requirement		
	ID No.	Applicable Form			Name	Standard(s)	Version Code
8	T-16	OP-UA3	R5112-0004	VOC	Chapter 115	§115.112(a)(1) §115.112(a)(3)	
10	PKGBOILSTK	OP-UA6	R7ICI-0001	NOX	Chapter 117	All applicable requirements in 30 TAC 117	All applicable requirements in 30 TAC 117

[TCEQ-10018] [Revised 10/04] OP-REQ3 - Applicable Requirements Summary  
This form is for use by sources subject to air quality permit requirements and may be revised periodically. [APDGS124v4]



**Applicable Requirements Summary**  
**Form OP-REQ3 (Page 2)**  
**Federal Operating Permit Program**

**Table 1b: Additions**

<b>Date:</b> 7/12/2007	<b>Account No.:</b> HG-0696-Q	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant		

Revision No.	Unit/Group/Process	SOP/GOP Index No.	Pollutant	Version Code	Monitoring and Testing Requirements	Recordkeeping Requirements	Reporting Requirements
	ID No.						
8	T-16	R5112-0004	VOC		[G]§115.115(a) §115.116(a)(4) §115.116(a)(5)	§115.116(a)(4) §115.116(a)(5)	
10	PKGBOILSTK	R7ICI-0001	NOX		All applicable requirements in 30 TAC 117	All applicable requirements in 30 TAC 117	All applicable requirements in 30 TAC 117

[TCEQ-10018] [Revised 10/04] OP-REQ3 - Applicable Requirements Summary  
 This form is for use by sources subject to air quality permit requirements and may be revised periodically. [APDG5124v4]



**Monitoring Requirements  
Form OP-MON (Page 2)  
Federal Operating Permit Program**

**Table 1c: CAM/PM Case-By-Case Additions**

I. IDENTIFYING INFORMATION					
A. Account No.:	HG-0696-Q	B. RN No.:	RN100211317	C. CN No.:	CN600125330
D. Permit No.:	O-01610	E. Project No.:		F. Area Name:	Baytown Plant
G. Company Name: Rhodia Inc.					
II. UNIT/EMISSION POINT/GROUP/PROCESS INFORMATION					
A. Revision No.:	4	B. Unit/EPN/Group/Process ID No.:	GRPACIDTNK	C. Applicable Form:	OP-UA03
III. APPLICABLE REGULATORY REQUIREMENT					
A. Name:	30 TAC Chapter 115, storage of VOCs		B. SOP Index No.	R5112-0004	
C. Pollutant:	VOC	D. Main Standard:	§115.112(a)(1)		
E. Monitoring Type:	PM	F. Unit Size:			
G. Deviation Limit:	Minimum Temperature = 1825 F				
IV. CONTROL DEVICE INFORMATION					
A. Device ID No.:		B. Device Type:	COMB		
V. CAM CASE-BY-CASE					
A. Indicator:		B. Minimum Frequency:		C. Averaging Period:	
D. QA/QC Procedures:					
E. Verification Procedures:					
F. Representative Data:					
VI. PERIODIC MONITORING CASE-BY-CASE					
A. Indicator:	Combustion temperature and exhaust temperature	B. Minimum Frequency:	Once per week	C. Averaging Period:	
<p>D. Periodic Monitoring Text: Measure and record the combustion temperature in the combustion chamber or immediately downstream of the combustion chamber. The monitoring instrumentation shall be maintained, calibrated and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data less than the minimum temperature indicated in the Deviation Limit above shall be considered and reported as a deviation as required by §122.145(2). If the minimum combustion temperature is greater than the minimum limit for three successive months, the combustion temperature may be monitored every two weeks until a deviation is detected. If a deviation is detected, the combustion temperature shall be monitored weekly until a deviation is not detected for three successive months.</p>					



Table 1d: CAM/PM Case-by-Case Control Device Additions

EMISSION UNIT		CONTROL DEVICE				
1	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	OTH
2	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
3	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
4	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
5	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
6	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
7	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	



**Monitoring Requirements  
Form OP-MON (Page 2)  
Federal Operating Permit Program**

**Table 1c: CAM/PM Case-By-Case Additions**

I. IDENTIFYING INFORMATION					
A. Account No.:	HG-0696-Q	B. RN No.:	RN100211317	C. CN No.:	CN600125330
D. Permit No.:	O-01610	E. Project No.:	9948	F. Area Name:	Baytown Plant
G. Company Name: Rhodia Inc.					
II. UNIT/EMISSION POINT/GROUP/PROCESS INFORMATION					
A. Revision No.:	4	B. Unit/EPN/Group/Process ID No.:	GRPACIDTNK	C. Applicable Form:	OP-UA03
III. APPLICABLE REGULATORY REQUIREMENT					
A. Name:	30 TAC Chapter 115		B. SOP Index No.	R5112-0001	
C. Pollutant:	VOC	D. Main Standard:	§115.112(a)(1)		
E. Monitoring Type:	PM	F. Unit Size:			
G. Deviation Limit:	pH = 8				
IV. CONTROL DEVICE INFORMATION					
A. Device ID No.:	EMSCRUBSTK	B. Device Type:	ABSOR1		
V. CAM CASE-BY-CASE					
A. Indicator:		B. Minimum Frequency:		C. Averaging Period:	
D. QA/QC Procedures:					
E. Verification Procedures:					
F. Representative Data:					
VI. PERIODIC MONITORING CASE-BY-CASE					
A. Indicator:	pH	B. Minimum Frequency:	Once per day	C. Averaging Period:	
D. Periodic Monitoring Text: Measure and record the pH. Establish a minimum pH using the most recent performance test, manufacturer's recommendations, engineering calculations, and/or historical data. The monitoring instrumentation shall be maintained; calibrated and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data below the minimum limit shall be considered and reported as a deviation.					

**Table 1d: CAM/PM Case-by-Case Control Device Additions**

EMISSION UNIT			CONTROL DEVICE			
1	A. Unit ID No.:		B. Device ID No.:	EMSCRUBSTK	C. Device Type:	ABSOR1
2	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
3	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
4	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
5	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
6	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	
7	A. Unit ID No.:		B. Device ID No.:		C. Device Type:	



2700 Post Oak Boulevard, Suite 1700, Houston, TX 77056 U.S.A. ■ (713) 552-1360 ■ Fax (713) 552-1374

February 2, 2007

Air Permits Division  
Office of Permitting, Remediation & Registration  
Texas Commission on Environmental Quality  
Mail Code 163  
12100 Park 35 Circle, Building C, Second Floor  
Austin, TX 78753

PROJ. # 9948  
TO

**RE: Application for Renewal and Revision of Title V Permit O-01610  
Rhodia, Inc.  
Baytown Plant  
CN600125330, RN100211317**

To Whom It May Concern:

On behalf of Rhodia, Inc. (Rhodia), Trinity Consultants is submitting the enclosed application for the renewal and revision of Title V federal operating permit (FOP) number O-01610 for Rhodia's Baytown Plant. This permit became effective August 6, 2002, and will expire August 6, 2007, if not renewed. This application for renewal is required to be postmarked no later than six months before permit expiration (i.e., February 6, 2007). A copy of this application has been forwarded to the TCEQ Region 12 office in Houston.

Sincerely,

TRINITY CONSULTANTS



Gary Daves  
Principal Consultant

Enclosures

cc: Mr. Floyd Dickerson, Rhodia, Inc.  
TCEQ Region 12, Houston

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**FEDERAL OPERATING PERMIT RENEWAL APPLICATION  
RHODIA, INC. ■ BAYTOWN PLANT**

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Rhodia, Inc. (Rhodia) owns and operates a sulfuric acid plant in Baytown, Harris County, Texas. The Baytown Plant is registered under Texas Commission on Environmental Quality (TCEQ) account number HG-0696-Q. Rhodia has a TCEQ Customer Reference Number CN600125330 and the Baytown Plant is registered with a Regulated Entity Number RN100211317. Some of the operations at the plant are authorized under permit numbers C-9565, PSD-TX-695M1, and 56534. Additionally, a Site Operating Permit (SOP) number O-01610 has been issued for this site.

Section 382.0543 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, and Title 30 Texas Administrative Code (30 TAC) § 122.243 require all federal operating permits to be reviewed for renewal. According to 30 TAC § 122.133, an application for renewal must be submitted at least six months, but no earlier than 18 months, before the date of permit expiration. Permit No. O-01610 has an expiration date of August 6, 2007.

The required supporting documentation for the federal operating permit renewal is provided in this application and includes an application for permit renewal (OP-2), a certification by responsible official (OP-CRO1), an individual unit summary for revisions (OP-SUMR), and a representation of the compliance status of this application area (OP-ACPS). Also included are unit attribute forms (OP-UAXX) and applicable requirements forms (OP-REQ1, OP-REQ2, and OP-REQ3), as necessary to accurately document the current Title V applicable requirements of this application area.

Through the process of Title V Permit renewal, Rhodia has identified several updates that are needed in the Title V Permit. The enclosed Form OP-2 provides a listing of the equipment affected by these updates, which are explained in detail below.

**COMPLIANCE ASSURANCE MONITORING (CAM) APPLICABILITY**

CAM applies to each unit that has a standard or an emission limit in an applicable requirement, uses a control device to meet the standard or emission limit, and has pre-controlled emissions greater than Title V major source thresholds. None of the sources at this site have pre-controlled emissions greater than the Title V major source thresholds. Therefore CAM does not apply.

**PERIODIC MONITORING (PM) APPLICABILITY**

PM applies to each unit that has a standard or an emission limit in an applicable requirement. It does not apply to a unit for which the TCEQ has determined that the applicable requirement already has sufficient periodic monitoring to yield reliable data from the relevant time period that are representative of the emission unit's compliance with the applicable requirement, and testing, monitoring, reporting, or recordkeeping sufficient to assure compliance with the applicable requirement.

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Rhodia, Inc.  
Baytown Plant  
Title V Renewal Application

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Trinity Consultants  
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February 2007  
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The emission units at the Baytown Plant either already have periodic monitoring to ensure compliance with an emission limit or standard in an applicable requirement, or do not have an applicable requirement containing an emission limit or standard for an air pollutant. Therefore, additional PM requirements are not applicable.

#### **OTHER APPLICABILITY CHANGES**

Permit representations for Existing Facilities Permit No. 56534 included a higher vapor pressure for the contents stored in tank T-16. Therefore, the attributes of this tank need to be updated to reflect the new vapor pressure. Changes are documented on forms OP-SUMR and OP-UA3.

Tank T-6 is authorized in Permit No. 56534. Rhodia would like to add this tank to the Title V permit in group GRPACIDTNK. This change is documented on forms OP-UA3 and OP-SUMR.

Preheater PREHTRFURN is authorized under standard exemption 7 (08/11/1989). Rhodia would like to add this unit to the Title V Permit. This unit has applicability requirements in Chapter 117. Per verbal guidance from Javier Maldonado on July 26, 2006, Rhodia is not submitting any equipment specific attribute information and agrees to use the higher terms and conditions in the Title V permit for Chapter 117 requirements. This change is documented on form OP-SUMR.



**Form OP-CRO1**  
**Certification by Responsible Official**  
**Federal Operating Permit Program**

All initial permit application, permit revision, renewal, and reopening submittals requiring certification must be accompanied by this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications (other than public notice verification materials) must be certified prior to authorization of public notice for the draft permit. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

I. IDENTIFYING INFORMATION		
A. Account No.: HG-0696-Q	B. RN: RN100211317	C. CN: CN600125330
D. Permit No.: O-01610	E. Project No.:	
F. Area Name: Baytown Plant		
G. Company Name: Rhodia, Inc.		
II. CERTIFICATION TYPE <i>(Please mark the appropriate box[es])</i>		
A. <input type="checkbox"/> Responsible Official:		
B. <input checked="" type="checkbox"/> Duly Authorized Representative:		
C. <input type="checkbox"/> Designated Representative <i>(Title IV acid rain sources only)</i> :		
D. <input type="checkbox"/> Alternate Designated Representative <i>(Title IV acid rain sources only)</i> :		
III. SUBMITTAL TYPE <i>(Place an "X" in the appropriate box) (Only one response can be accepted per form)</i>		
<input type="checkbox"/> SOP/TOP Initial Permit Application		<input type="checkbox"/> Update to Permit Application
<input type="checkbox"/> GOP Initial Permit Application		<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Permit Revision, Renewal, or Reopening		
IV. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS		
<p><b>This certification does not extend to information which is designated by the TCEQ as information for reference only.</b></p> <p>I, <u>Al Semaan</u>, certify that I am the <u>DAR</u> and that, based on information <i>(Name printed or typed)</i> <i>(RO, DAR, DR, and/or ADR)</i></p> <p>and belief formed after reasonable inquiry, the statements and information dated during the time period in IV.1. below, OR on a specific date(s) in IV.2. below, are true, accurate, and complete:</p> <p><i>Note: Enter EITHER a Time Period OR Specific Date(s) for each certification.</i></p> <p>1. Time Period: From _____ to _____  <i>Start Date* End Date*</i></p> <p align="center">OR</p> <p>2. Specific Dates: <u>02/3/07</u> _____  <i>Date 1* Date 2* Date 3* Date 4* Date 5* Date 6* Date 7* Date 8*</i></p> <p><small>* The start and end dates of the "Time Period," or "Specific Dates" 2-8, should <b>only</b> be completed when the box for "Update to Permit Application" in Section III of this form, is marked or a submittal package has multiple dates recorded in the documentation. A Time Period may <b>not</b> be used if the "Submittal Type" in Section III of this form, is "Other" and the specific material being certified is an "Annual Compliance Certification," a "Monitoring Report," "Progress Report," "Deviation Report," or "Test Report."</small></p>		
Signature:		Signature Date: <u>2/1/07</u>
Title: <u>Plant Manager</u>		

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**Application for Permit Revision/Renewal  
Form OP-2  
Federal Operating Permit Program**

Table 1

Date: 02/03/2007	Account No.: HG-0696-Q	Permit No.: O-01610
Area Name: Baytown Plant		

I. Application Type			
Significant Revision		Administrative Revision	
Streamlined Revision		Revision Requesting Prior Approval	
Renewal	<b>X</b>	Response to Reopening	
II. Qualification Statement			
For SOP Revisions Only	The referenced changes qualify for the marked revision type (YES or NO)		<b>YES</b>
For GOP Revisions Only	The permitted area continues to qualify for a GOP (YES or NO)		

Revision No.	Revision Code	Unit/Group/Process			Description of change
		New Unit	ID No.	Applicable Form	
1	MS-C			OP-REQ1	Updates to new OP-REQ1.
2	MS-C	NO	LOAD-1	OP-SUMR	Change ID No. LOAD-1 to BARGE-DOCK and change NSR Authorization to GF Permit 56534.
3	MS-A	NO	T-5	OP-SUMR	Change NSR Authorization to GF Permit 56534.
4	SIG-E	YES	T-6	OP-SUMR	Addition of T-6 to Title V Permit and GRPACIDTNK.
5	MS-A	NO	T-7	OP-SUMR	Change NSR Authorization to GF Permit 56534.
6	MS-A	NO	T-8	OP-SUMR	Change NSR Authorization to GF Permit 56534.
7	MS-A	NO	T-16	OP-SUMR	Change NSR Authorization to GF Permit 56534.
8	MS-C	NO	T-16	OP-UA3	Update vapor pressure of the contents stored in the tank.
9	SIG-E	YES	PREHTRSTK	OP-UA5	Addition of PREHTRSTK to the Title V Permit with negative applicability.
10	MS-A	NO	PKGBOILSTK	OP-SUMR	Change NSR Authorization to SE-007/08/11/1989.

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TCEQ 10059] OP-2 -(Revised 05/04)  
This form is for use by sources subject to air quality permit requirements and may be revised periodically. (APDG 5142v14)



**Application for Permit Revision/Renewal  
Form OP-2  
Federal Operating Permit Program**

**Table 2**

<b>Date:</b> 02/03/2007	<b>Account No.:</b> HG-0696-Q	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant		

<b>I. Significant Revisions Only</b>	
<b>A. Is the site subject to bilingual requirements pursuant to 30 TAC § 122.322? (YES or NO)</b>	YES
<b>B. Indicate the alternate language(s) in which public notice is required:</b>	Spanish
<b>C. Will there be changes in emission levels of any air pollutants as a result of this significant revision? (YES or NO)</b>	NO
<b>II. Indicate the pollutant(s) that are changing and a brief description of the change in pollutant emissions for each pollutant:</b>	
<b>Pollutant</b>	<b>Description of the Change in Pollutant Emissions</b>
<b>III. FEE INFORMATION</b>	
<b>A. Has the applicant paid emissions fees for the most recent agency fiscal year (September 1-August 31)? (YES,NO, or NA)</b>	YES

VB



**Form OP-SUMR  
Individual Unit Summary for Revisions (Page 1)  
Federal Operating Permit Program**

<b>Date:</b> 2/03/2007	<b>Account No.:</b> HG-0696-Q	<b>RN:</b> RN100211317	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant			

Unit						Preconstruction Authorizations	
Unit AI	Revision No.	ID No.	Applicable Form	Name/Description	CAM	30 TAC Chapter 116/ 30 TAC Chapter 106	Title I
✓	2	BARGE-DOCK	OP-UA4	Spent Acid Loading	N	NSR-56534	
✓	3	T-5	OP-UA3	Spent Acid Storage Tank	N	NSR-56534	
A ✓	4	T-6	OP-UA3	Spent Acid Storage Tank	N	NSR-56534	
✓	5	T-7	OP-UA3	Spent Acid Storage Tank	N	NSR-56534	
✓	6	T-8	OP-UA3	Spent Acid Storage Tank	N	NSR-56534	
✓	7	T-16	OP-UA3	Tank 16 - Barge Dock Tank	N	NSR-56534	
A ✓	9	PREHTRSTK	OP-UA5	Preheater	N	SE-007/08/11/1989	
✓	10	PKGBOILSTK	OP-UA6	Package Boiler	N	SE-007/08/11/1989	

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Air & Waste Applications

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**Texas Natural Resource Conservation Commission**  
**Texas Federal Operating Permit Form**  
**OP-ACPS (Part 1)**  
**Application Compliance Plan and Schedule**

Account No.	HG0696Q	Date	02/03/2007
Permit Name	Baytown Plant		
Company Name	Rhodia, Inc.		

**Note:** Words in *italics* in this form have specific meanings as defined in Regulation XII (30 TAC 122).

The *Responsible Official* certifies to the information contained in this form in accordance with 30 TAC 122.132(e)(9) utilizing form OP-CRO1 (Certification by Responsible Official).

<b>I. Compliance Plan Section: Future Activity Committal Statement</b>	
A.	<p>The <i>Responsible Official</i> commits, utilizing reasonable effort, to the following:</p> <p>As the responsible official it is my intent that all emission units shall continue to be in compliance with all applicable requirements they are currently in compliance with, and all emission units shall be in compliance by the compliance dates with any applicable requirements that become effective during the permit term.</p>

II. Compliance Certification Section: Statements for Those Units in Compliance* (Indicate response by placing a 'x' in the appropriate column for each of the following questions)	Response	
	Yes	No
A. With the exception of those emission units listed in the Compliance Schedule section of this form and based, at a minimum, on the compliance method specified in the associated applicable requirements, are all emission units addressed in this application in compliance with all their respective <i>applicable requirements</i> as identified in this application?		x
* For Site Operating Permits, the completed application, particularly the OP-REQ series of forms should be consulted for <i>applicable requirements</i> and their corresponding emission units when assessing compliance status. General Permits applicants should consult the application documentation, particularly OP-REQ1 and the appropriate requirements of the General Permits portion of Regulation XII (30 TAC 122). Compliance should be assessed based, at a minimum, on the required monitoring, testing, record keeping, and/or reporting requirements, as appropriate, associated with the applicable requirement in question.		
B. Are there any emission units or issues listed in the Compliance Schedule Section below?	x	
C. If the answer to question II.B is "Yes", indicate the total number of pages included in this form (information only)	2	

<b>III. Compliance Schedule Section: Identification of Noncompliance and the Associated Schedule to Achieve Compliance</b>
<p>If there are noncompliance situations ongoing at time of application, then complete a separate OP-ACPS Part 2 for each separate situation. See the instructions for this form for details.</p> <p>If there are no noncompliance situations ongoing at time of application, then this section is not required to be completed.</p>

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**Texas Natural Resource Conservation Commission**  
**Texas Federal Operating Permit Form**  
**OP-ACPS (Part 2)**  
**Application Compliance Plan and Schedule**

Account No.	HG0696Q	Permit Name	Baytown Plant	Date	02/03/2007
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**III. Compliance Schedule Section (Details)**

**A. Identification of Specific Situation of Noncompliance**

Unit/Group/Process		Seq No	Pollutant	Applicable Regulatory Requirement	
ID No.	Type			Citation	Text Description
T-16			VOC	115.112(a)(1)	Storage tank must be controlled by a VRS and control device.

**B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details**

Method Used to Assess Compliance		Location of Records Documenting Situation Details
Compliance Method Citation	Text Description	
115.112(a)(1)	Storage tank must be equipped with a VRS and control device.	NSR 56534 permit amendment application.

**C. Brief Description of the Noncompliance Situation**

Storage tank with maximum true vapor pressure greater than 1.5 psia is not equipped with a VRS and control device.

**D. Brief Description of Corrective Action Plan**

Vapor combustor to be installed to control emissions from T-16 per Permit No. 56534.

**E. List of Activities/Milestones to Implement the Corrective Action Plan**

1	Tank T-16 will be emptied, cleaned, and removed from service by March 1, 2007 and will remain out of service until the vapor combustor is installed.
2	
3	
4	
5	

F. Previously Submitted Compliance Plan(s)	Type of Action	Date Submitted

**G. Schedule for Submitting Progress Reports**      Semi-annual beginning six months after permit issuance.



**Texas Commission on Environmental Quality**  
**Application for State-Wide Applicability Determination and General Information**  
**Form OP-REQ1 (Page 1)**  
**Federal Operating Permit Program**

Date: 02/03/2007	RN No.: RN100211317	Permit No.: 1610
Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

<b>I. TITLE 30 TAC CHAPTER 111 - CONTROL OF AIR POLLUTION FROM VISIBLE EMISSIONS AND PARTICULATE MATTER</b>			
<b>A. Visible Emissions</b>	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes stationary vents subject to 30 TAC § 111.111(a)(1)(A).	X		
<input type="checkbox"/> 2. The application area includes stationary vents subject to 30 TAC § 111.111(a)(1)(B).		X	
<input type="checkbox"/> 3. All stationary vents subject to 30 TAC § 111.111(a)(1)(A) or (a)(1)(B) are addressed on a unit specific basis.		X	
<input type="checkbox"/> 4. Test Method 9 (40 CFR Part 60, Appendix A, Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources) is used to determine opacity of emissions in the application area.	X		
<input type="checkbox"/> 5. The application area includes structures subject to 30 TAC § 111.111(a)(7)(A).		X	
<input type="checkbox"/> 6. The application area includes sources, other than those specified in 30 TAC § 111.111(a)(1), (4), or (7), subject to 30 TAC § 111.111(a)(8)(A).		X	
<input type="checkbox"/> 7. Emissions from units in the application area include contributions from uncombined water.	X		
<input type="checkbox"/> 8. The application area is located in the City of El Paso, including Fort Bliss Military Reservation, and includes solid fuel heating devices subject to 30 TAC § 111.111(c).		X	
<b>B. Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots</b>	YES	NO	N/A
1. Items a - d determine applicability of <u>any</u> of these requirements based on geographical location.			
<input type="checkbox"/> a. The application area is located within the City of El Paso.		X	
<input type="checkbox"/> b. The application area is located within the Fort Bliss Military Reservation, except areas specified in 30 TAC § 111.141.		X	
<input type="checkbox"/> c. The application area is located in the portion of Harris County inside the loop formed by Beltway 8.		X	
<input type="checkbox"/> d. The application area is located in the area of Nueces County outlined in Group II state implementation plan (SIP) for inhalable particulate matter adopted by the TCEQ on May 13, 1988.		X	
<i>If there is any "YES" response to Questions I.B.1.a - d, answer Questions I.B.2.a - d. If <u>all</u> responses to Questions I.B.1.a - d are "NO," go to Section I.C.</i>			
2. Items a - d determine the specific applicability of these requirements.			
<input type="checkbox"/> a. The application area is subject to 30 TAC § 111.143.			
<input type="checkbox"/> b. The application area is subject to 30 TAC § 111.145.			
<input type="checkbox"/> c. The application area is subject to 30 TAC § 111.147.			
<input type="checkbox"/> d. The application area is subject to 30 TAC § 111.149.			
<b>C. Emissions Limits on Nonagricultural Processes</b>	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes nonagricultural processes subject to 30 TAC § 111.151.	X		
<input type="checkbox"/> 2. The application area includes oil or gas fuel-fired steam generators subject to 30 TAC §§ 111.153(a) and 111.153(c).		X	
<input type="checkbox"/> 3. The application area includes solid fossil fuel-fired steam generators subject to 30 TAC §§ 111.153(a) and 111.153(b).		X	

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Texas Commission on Environmental Quality  
 Application **Area-Wide Applicability Determination** and General Information  
 Form OP-REQ1 (Page 2)  
 Federal Operating Permit Program

Date: 02/03/2007	RN No.: RN100211317	Permit No.: O-01610
Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*  
 *For GOP applications, answer ONLY these questions unless otherwise directed.*

<b>I. TITLE 30 TAC CHAPTER 111 - CONTROL OF AIR POLLUTION FROM VISIBLE EMISSIONS AND PARTICULATE MATTER (continued)</b>			
<b>D. Emissions Limits on Agricultural Processes</b>	YES	NO	N/A
1. The application area includes agricultural processes subject to 30 TAC § 111.171.		X	
<b>E. Outdoor Burning</b>			
<input type="checkbox"/> 1. Outdoor burning is conducted in the application area. <i>If the response to Question I.E.1 is "NO," go to Section II.</i>		X	
<input type="checkbox"/> 2. Fire training is conducted in the application area and subject to the exception provided in 30 TAC § 111.205.			
<input type="checkbox"/> 3. Fires for recreation, ceremony, cooking, and warmth are used in the application area and subject to the exception provided in 30 TAC § 111.207.			
<input type="checkbox"/> 4. Disposal fires are used in the application area and subject to the exception provided in 30 TAC § 111.209.			
<input type="checkbox"/> 5. Prescribed burning is used in the application area and subject to the exception provided in 30 TAC § 111.211.			
<input type="checkbox"/> 6. Hydrocarbon burning is used in the application area and subject to the exception provided in 30 TAC § 111.213.			
<input type="checkbox"/> 7. The application area has received the TCEQ Executive Director approval of otherwise prohibited outdoor burning according to 30 TAC § 111.215.			
<b>II. TITLE 30 TAC CHAPTER 112 - CONTROL OF AIR POLLUTION FROM SULFUR COMPOUNDS</b>			
<b>A. Temporary Fuel Shortage Plan Requirements</b>	YES	NO	N/A
1. The application area includes units that are potentially subject to the temporary fuel shortage plan requirements of 30 TAC §§ 112.15 - 112.18.		X	
<b>III. TITLE 30 TAC CHAPTER 115 - CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS (VOCs)</b>			
<b>A. Applicability</b>	YES	NO	N/A
<input type="checkbox"/> 1. The application area is located in the Houston/Galveston area, Beaumont/Port Arthur area, Dallas/Fort Worth area, El Paso area, or a covered attainment county as defined by 30 TAC § 115.10. <i>See instructions for inclusive counties. If the response to Question III.A.1 is "NO," go to Section IV.</i>	X		
<b>B. Storage of Volatile Organic Compounds</b>	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes storage tanks, reservoirs, or other containers capable of maintaining working pressure sufficient at all times to prevent any VOC vapor or gas loss to the atmosphere.		X	
<b>C. Vent Gas Control (Complete this section for GOP applications for GOP 513 in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis counties only.)</b>	YES	NO	N/A
<input type="checkbox"/> 1. The application area contains VOC vent gas streams subject to 30 TAC § 115.121(c)(1). <i>For GOP applications, if the response to Question III.C.1 is "NO," go to Section III.D.</i>			
<input type="checkbox"/> 2. The vent gas stream is controlled using a direct flame incinerator.			
<input type="checkbox"/> 3. The vent gas stream is controlled using a flare.			
<input type="checkbox"/> 4. The vent gas stream is controlled using a vapor recovery system other than a direct flame incinerator or flare.			

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Area Name: Baytown Plant		

For SOP applications, answer ALL questions unless otherwise directed.

For GOP applications, answer ONLY these questions unless otherwise directed.

**II. TITLE 30 TAC CHAPTER 115 - CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS (VOCs) (continued)**

**D. VOC Water Separators (Complete this section for GOP applications for GOP 513 in Aransas, Bexar, Calhoun, Matagorda, San Patricio, or Travis counties only.)**

	YES	NO	N/A
--	-----	----	-----

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> 1. The application area includes VOC water separators equipped with a vapor recovery system complying with 30 TAC § 115.132(c)(1) or (2).<br><i>If the response to III.D.1 is "NO," go to Section III.F.</i>     |  |  |  |
| <input type="checkbox"/> 2. At least one VOC water separator equipped with a vapor recovery system is controlled by a vapor control system and flare.   |  |  |  |
| <input type="checkbox"/> 3. At least one VOC water separator equipped with a vapor recovery system is controlled by a vapor control system and carbon adsorption system.  |  |  |  |
| <input type="checkbox"/> 4. At least one VOC water separator equipped with a vapor recovery system is controlled by a vapor control system and device other than a flare or carbon adsorption system, monitored with a portable analyzer. |  |  |  |
| <input type="checkbox"/> 5. At least one VOC water separator equipped with a vapor recovery system is controlled by a vapor control system and device other than a flare or carbon adsorption system, monitored by a CEMS.                |  |  |  |

**E. Industrial Wastewater**

	YES	NO	N/A
--	-----	----	-----

- |   |  |   |  |
|---|--|---|--|
| 1. The application area includes affected VOC wastewater streams of an affected source category, as defined in 30 TAC § 115.140.<br><i>If the response to Question III.E.1 is "NO" or "N/A," go to Section III.F.</i>   |  | X |  |
| 2. The application area is located at a petroleum refinery in the Beaumont/Port Arthur or Houston/Galveston area.<br><i>If the response to Question III.E.2 is "YES" and the refinery is in the Beaumont/Port Arthur area, go to Section III.F.</i>               |  |   |  |
| 3. The application area is complying with the provisions of 40 CFR Part 63, Subpart G, as an alternative to complying with this division (relating to Industrial Wastewater).<br><i>If the response to Question III.E.3 is "YES," go to Section III.F.</i>        |  |   |  |
| 4. The application area is located at a plant with an annual VOC loading in wastewater, as determined in accordance with 30 TAC § 115.148, less than or equal to 10 Mg (11.03 tons).<br><i>If the response to Question III.E.4 is "YES," go to Section III.F.</i> |  |   |  |
| 5. The application area includes wastewater drains, junction boxes, lift stations, or weirs that are subject to the control requirements of 30 TAC § 115.142(1).  |  |   |  |
| 6. The application area includes wastewater drains, junction boxes, lift stations, or weirs that handle streams chosen for exemption under 30 TAC § 115.147(2).   |  |   |  |
| 7. The application area includes wastewater drains, junction boxes, lift stations, or weirs that have an executive director approved exemption under 30 TAC § 115.147(4).   |  |   |  |

**F. Loading and Unloading of VOCs**

	YES	NO	N/A
--	-----	----	-----

*Applicability*

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> 1. The application area includes VOC loading operations.   | X |   |  |
| <input type="checkbox"/> 2. The application area includes VOC transport vessel unloading operations.<br><i>For GOP applications, if the responses to Questions III.F.1 - F.2, are "NO," go to Section III.G.</i>  | X |   |  |
| <input type="checkbox"/> 3. Transfer operations at motor vehicle fuel dispensing facilities are the <u>only</u> VOC transfer operations conducted in the application area.<br><i>If the response to Question III.F.3 is "YES," go to Section III.G.</i> |   | X |  |

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For SOP applications, answer ALL questions unless otherwise directed.

For GOP applications, answer ONLY these questions unless otherwise directed.

**III. TITLE 30 TAC CHAPTER 115 - CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS (VOCs) (continued)**

F. Loading and Unloading of VOCs (continued)	YES	NO	N/A
4. For application areas outside the Houston/Galveston area, marine terminal transfer operations are the <u>only</u> VOC transfer operations conducted in the application area. <i>If the response to Question III.F.4 is "YES," go to Section III.G.</i>			X
<input type="checkbox"/> 5. Gasoline loading and/or unloading operations are conducted in the application area. <i>If the response to Question III.F.5 is "NO," and the application area is located in a covered attainment county other than Aransas, Bexar, Calhoun, Gregg, Nueces, San Patricio, Travis and Victoria County, go to Section III.G.</i>	X		
<b>Requirements Determination</b>			
6. For application areas in the Houston/Galveston area, marine terminal transfer operations are conducted in the application area.	X		
<input type="checkbox"/> 7. The application area includes gasoline bulk plant VOC transfer operations. <i>If the response to Question III.F.7 is "NO", go to Question III.F.9.</i>		X	
<input type="checkbox"/> 8. The application area includes gasoline bulk plant VOC transfer operations that load less than 4,000 gallons of gasoline into transport vessels per day.			
<input type="checkbox"/> 9. The application area includes VOC transfer operations other than gasoline terminals, gasoline bulk plants, marine terminals, and motor vehicle fuel dispensing facilities.	X		
<input type="checkbox"/> 10. The plant (other than gasoline bulk plants) loads less than 20,000 gallons of VOC with a true vapor pressure (TVP) greater than or equal to 0.5 psia (or 1.5 psia) into transport vessels per day as specified in 30 TAC §115.217(a)(2)(A) or [(b)(3)(A)].	X		
<input type="checkbox"/> 11. The application area includes land-based loading and/or unloading operations that transfer VOC with TVP less than 0.5 or 1.5 psia.	X		
<input type="checkbox"/> 12. The application area includes land-based loading and/or unloading operations that transfer VOC with TVP greater than or equal to 0.5 or 1.5 psia.	X		
<input type="checkbox"/> 13. The application area includes liquefied petroleum gas loading and/or unloading operations.		X	
<input type="checkbox"/> 14. The application area includes crude oil and/or condensate loading and/or unloading operations.		X	
15. The applicant has elected the "90% overall control option" for transport vessel loading operations described in 30 TAC §115.213(b).		X	
16. The applicant has elected the "90% overall control option" for transport vessel loading operations described in 30 TAC § 115.213(d).		X	
G. Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes one or more motor vehicle fuel dispensing facilities and gasoline is transferred from a tank-truck tank into a stationary storage container. <i>If the response to Question III.G.1 is "NO," go to Section III.H.</i>		X	
<input type="checkbox"/> 2. Transfers to stationary storage containers used exclusively for the fueling of agricultural implements are the <u>only</u> transfer operations conducted at facilities in the application area.			
<input type="checkbox"/> 3. <u>All</u> transfers at facilities in the application area are made into stationary storage containers with internal floating roofs, external floating roofs, or their equivalent. <i>If the response to Question III.G.2 and/or G.3 is "YES," go to Section III.H.</i>			

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For SOP applications, answer ALL questions unless otherwise directed.

For GOP applications, answer ONLY these questions unless otherwise directed.

**III. TITLE 30 TAC CHAPTER 115 - CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS (VOCs) (continued)**

**G. Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities (continued)**

	YES	NO	N/A
<input type="checkbox"/> 4. The application area is located in a covered attainment county as defined in 30 TAC § 115.10. <i>If the response to Question III.G.4 is "NO," go to Question III.G.7.</i>			
<input type="checkbox"/> 5. Stationary gasoline storage containers with a nominal capacity less than or equal to 1,000 gallons are located at the facility.			
<input type="checkbox"/> 6. Transfers are made to stationary storage tanks greater than 1000 gallons located at a facility which has dispensed less than 125,000 gallons of gasoline in a calendar month after January 1, 1999. <i>If the response to Question III.G.6 is "YES," go to Section III.H.</i>			
<input type="checkbox"/> 7. Transfers are made to stationary storage tanks located at a motor vehicle fuel dispensing facility which has dispensed no more than 10,000 gallons of gasoline in any calendar month after January 1, 1991 and for which construction began prior to November 15, 1992.			

**H. Control of VOC Leaks from Transport Vessels (Complete this section for GOP applications for GOPs 511, 512, 513 and 514 only)**

	YES	NO	N/A
<input type="checkbox"/> 1. Tank-truck tanks are filled with, or emptied of, gasoline at a facility that is subject to 30 TAC § 115.214(a)(1)(C) or 115.224(2) within the application area.		X	
<input type="checkbox"/> 2. Tank-truck tanks are filled with non-gasoline VOCs having a TVP greater than or equal to 0.5 psia under actual storage conditions at a facility subject to 30 TAC § 115.214(a)(1)(C) within the application area.		X	
<input type="checkbox"/> 3. Tank-truck tanks are filled with, or emptied of, gasoline at a facility that is subject to 30 TAC § 115.214(b)(1)(C) or 115.224(2) within the application area.			X

**I. Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities**

	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes one or more motor vehicle fuel dispensing facilities and gasoline is transferred from a stationary storage container into motor vehicle fuel tanks. <i>If the response to Question III.I.1 is "NO" or "N/A," go to Section III.J.</i>		X	
<input type="checkbox"/> 2. Transfer operations used exclusively for the fueling of aircraft, watercraft, or agricultural implements are the <u>only</u> transfer operations conducted at facilities in the application area. <i>If the response to Question III.I.2 is "YES," go to Section III.J.</i>			
<input type="checkbox"/> 3. The application area includes facilities that began construction on or after November 15, 1992.			
<input type="checkbox"/> 4. The application area includes facilities that began construction prior to November 15, 1992.			
<input type="checkbox"/> 5. The application area includes facilities that have a monthly throughput of less than 10,000 gallons of gasoline.			

**J. Control Of Reid Vapor Pressure (RVP) of Gasoline**

	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes stationary tanks, reservoirs, or other containers holding gasoline that may ultimately be used in a motor vehicle in El Paso County. <i>If the response to Question III.J.1 is "NO" or "N/A," go to Section III.K.</i>			X
<input type="checkbox"/> 2. The application area includes stationary tanks, reservoirs, or other containers holding gasoline that will be used exclusively for the fueling of agricultural implements.			
<input type="checkbox"/> 3. The application area includes a motor vehicle fuel dispensing facility.			
<input type="checkbox"/> 4. The application area includes stationary tanks, reservoirs, or other containers holding gasoline and having a nominal capacity of 500 gallons or less.			

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*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

<b>III. TITLE 30 TAC CHAPTER 115 - CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS (VOCs) (continued)</b>			
<b>K. Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area is located at a petroleum refinery.		X	
<b>L. Surface Coating Processes (Complete this section for GOP applications only.)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<input type="checkbox"/> 1. Surface coating operations (other than those performed on equipment located on-site and in-place) that meet the exemption specified in 30 TAC § 115.427(a)(3)(A) or 115.427(b)(1) are performed in the application area.			X
<b>M. Offset Lithographic Printing</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area includes offset lithographic printing presses. <i>If the answer to Question III.M.1. is "NO," go to Section III.N.</i>		X	
2. The application area is in Collin, Dallas, Denton or Tarrant Counties. <i>If the response to Question III.M.2. is "NO," go to Question III.M.4</i>			
3. All offset lithographic printing presses on the property, when uncontrolled, emit a combined weight of VOC less than 50 tons per calendar year.			
4. The application area is in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery or Waller Counties. <i>If the responses to Questions III.M.2. and 4. are both "NO," go to Section III.N.</i>			
5. All offset lithographic printing presses on the property, when uncontrolled, emit a combined weight of VOC less than 25 tons per calendar year.			
<b>N. Cutback Asphalt</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. Conventional cutback asphalt containing VOC solvents for the paving of roadways, driveways, or parking lots, is used or specified for use in the application area by a state, municipal, or county agency. <i>If the response to Question III.N.1 is "N/A," go to Section III.O.</i>		X	
2. The use, application, sale, or offering for sale of conventional cutback asphalt containing VOC solvents for the paving of roadways, driveways, or parking lots occurs in the application area.		X	
3. Asphalt emulsion is used or produced within the application area.		X	
4. The application area is using an alternate control requirement as specified in 30 TAC § 115.513. <i>If the response to Question III.N.4 is "NO," go to Section III.O.</i>		X	
5. The application area uses, applies, sells, or offers for sale asphalt concrete, made with cutback asphalt, that meets the exemption specified in 30 TAC §115.517(1).			
6. The application area uses, applies, sells, or offers for sale cutback asphalt that is used solely as a penetrating prime coat.			
7. The applicant using cutback asphalt is a state, municipal, or county agency.			
<b>O. Degassing or Cleaning of Stationary, Marine, and Transport Vessels</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<input type="checkbox"/> 1. The application area includes degassing or cleaning operations for stationary, marine, and/or transport vessels. <i>If the response to Question III.O.1 is "NO" or "N/A," go to Section III.P.</i>		X	
<input type="checkbox"/> 2. Degassing or cleaning of <u>only</u> ocean-going, self-propelled VOC marine vessels is performed in the application area. <i>If the response to Question III.O.2 is "YES," go to Section III.P.</i>			

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**III. TITLE 30 TAC CHAPTER 115 - CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS (VOCs) (continued)**

O. Degassing or Cleaning of Stationary, Marine, and Transport Vessels (continued)	YES	NO	N/A
<input type="checkbox"/> 3. Degassing or cleaning of stationary VOC storage vessels with a nominal storage capacity of 1,000,000 gallons or more and a vapor space partial pressure greater than or equal to 0.5 psia of VOC is performed in the application area.			
<input type="checkbox"/> 4. Degassing or cleaning of VOC transport vessels with a nominal storage capacity of 8,000 gallons or more and a vapor space partial pressure greater than or equal to 0.5 psia of VOC is performed in the application area.			
<input type="checkbox"/> 5. Degassing or cleaning of VOC marine vessels with a nominal storage capacity of 10,000 barrels (420,000 gallons) or more and a vapor space partial pressure greater than or equal to 0.5 psia of VOC is performed in the application area.			
<input type="checkbox"/> 6. Degassing or cleaning of VOC marine vessels that do <u>not</u> meet one or more of the exemptions specified in 30 TAC § 115.547(1), (2), or (5), but have sustained damage as specified in 30 TAC § 115.547(4) is performed in the application area.			
P. Petroleum Dry Cleaning Systems	YES	NO	N/A
1. The application area contains one or more petroleum dry cleaning facilities that use petroleum based solvents.		X	

**IV. TITLE 30 TAC CHAPTER 117 - CONTROL OF AIR POLLUTION FROM NITROGEN COMPOUNDS**

A. Applicability	YES	NO	N/A
<input type="checkbox"/> 1. The application area is located in the Houston/Galveston, Beaumont/Port Arthur, or Dallas/Fort Worth area. <i>For SOP applications, if the response to Question IV.A.1 is "YES," complete Sections IV.B - IV.F and IV.H. For GOP applications, if the response to Question IV.A.1 is "YES," go to Section IV.F. For GOP applications, if the response to Question IV.A.1 is "NO," go to Section VI.</i>	X		
2. The application area is located in Bexar, Comal, Ellis, Hays, or McLennan County and includes a cement kiln. <i>If the response to Question IV.A.2 is "YES," go to Question IV.H.1.</i>		X	
3. The application area includes a utility electric generator in an east or central Texas county. <i>See instructions for a list of counties included. If the response to Question IV.A.3 is "YES," go to Question IV.G.1. If the responses to Questions IV.A.1 - 3 are all "NO," go to Question IV.H.1.</i>		X	
B. Utility Electric Generation in Ozone Nonattainment Areas	YES	NO	N/A
1. The application area includes units specified in 30 TAC § 117.101(a) or 117.103(b). <i>If the response to Question IV.B.1. is "NO," go to Question IV.C.1.</i>		X	
2. The application area is complying with the System Cap in 30 TAC § 117.108.			
C. Commercial, Institutional, and Industrial Sources	YES	NO	N/A
<input type="checkbox"/> 1. The application area is located at a site subject to 30 TAC § 117.201 and includes units specified in 30 TAC § 117.201. <i>If the response to Question IV.C.1. is "NO," go to Question IV.D.1.</i>	X		
<input type="checkbox"/> 2. The application area is located at a site that was a major source of NOx before November 15, 1992.	X		
3. The application area is located in the Houston Galveston nonattainment area and includes diesel or dual-fueled engines.		X	
4. The application area includes gas turbines or stationary internal combustion engines claiming an exemption under one of the following citations: 30 TAC § 117.205(h)(2), 117.203(a)(6)(D), (11) or (12).		X	

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IV. TITLE 30 TAC CHAPTER 117 - CONTROL OF AIR POLLUTION FROM NITROGEN COMPOUNDS (continued)			
<b>C. Commercial, Institutional, and Industrial Sources (continued)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
5. The application area includes an electric generating facility required to comply with the System Cap in 30 TAC § 117.210.		X	
<b>D. Adipic Acid Manufacturing</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area is located at, or part of, an adipic acid production unit.		X	
<b>E. Nitric Acid Manufacturing - Ozone Nonattainment Areas</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area is located at, or part of, a nitric acid production unit.		X	
<b>F. Small Combustion Sources - Boilers, Process Heaters, Stationary Engines and Gas Turbines at Minor Sources</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<input type="checkbox"/> 1. The application area is located at a site that is a minor source of NO <sub>x</sub> in the Houston/Galveston area. <i>For SOP applications, if the response to Question IV.F.1 is "NO," go to Question IV.H.1.</i> <i>For GOP applications, if the response to Question IV.F.1 is "NO," go to Section VI.</i>		X	
<input type="checkbox"/> 2. The application area has units that qualify for an exemption under 30 TAC § 117.473(a) or (b).			
<input type="checkbox"/> 3. The application area has units subject to the emission specifications under 30 TAC § 117.475.			
<b>G. Utility Electric Generation in East and Central Texas</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area includes utility electric power boilers and/or stationary gas turbines (including duct burners used in turbine exhaust ducts) that were placed into service before December 31, 1995. <i>If the response to Question IV.G.1 is "NO," go to Question IV.H.1</i>			
2. The application area is complying with the System Cap in 30 TAC § 117.138.			
<b>H. Small Combustion Sources - Water Heaters, Small Boilers, and Process Heaters</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area includes a manufacturer, distributor, retailer or installer of natural gas fired water heaters, boilers or process heaters with a maximum rated capacity of 2.0 MMBtu/hr or less. <i>If the response to question IV.H.1. is "NO" go to Section V.</i>		X	
2. All water heaters, boilers or process heaters manufactured, distributed, retailed or installed qualify for an exemption under 30 TAC § 117.463.			
<b>V. TITLE 40 CODE OF FEDERAL REGULATIONS PART 59 (40 CFR PART 59) - NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR CONSUMER AND COMMERCIAL PRODUCTS</b>			
<b>A. Subpart B - National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area manufactures automobile refinishing coatings or coating components and sells or distributes these coatings or coating components in the United States.		X	
2. The application area imports automobile refinishing coatings or coating components, manufactured on or after January 11, 1999, and sells or distributes these coatings or coating components in the United States. <i>If the responses to Questions V.A.1 and V.A.2 are both "NO," go to Section V.B</i>		X	
3. All automobile refinishing coatings or coating components manufactured or imported by the application area meet one or more of the exemptions specified in 40 CFR § 59.100(c)(1) - (6).			
<b>B. Subpart C - National Volatile Organic Compound Emission Standards for Consumer Products</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area manufactures consumer products for sale or distribution in the United States.		X	
2. The application area imports consumer products manufactured on or after December 10, 1998 and sells or distributes these consumer products in the United States.		X	

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For SOP applications, answer ALL questions unless otherwise directed.

For GOP applications, answer ONLY these questions unless otherwise directed.

**V. TITLE 40 CODE OF FEDERAL REGULATIONS PART 59 (40 CFR PART 59) - NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR CONSUMER AND COMMERCIAL PRODUCTS (continued)**

B. Subpart C - National Volatile Organic Compound Emission Standards for Consumer Products (continued)	YES	NO	N/A
3. The application area is a distributor of consumer products whose name appears on the label of one or more of the products. <i>If the responses to Questions V.B.1 - V.B.3 are all "NO," go to Section V.C.</i>		X	
4. <u>All</u> consumer products manufactured, imported, or distributed by the application area meet one or more of the exemptions specified in 40 CFR § 59.201(c)(1) - (7).			
C. Subpart D - National Volatile Organic Compound Emission Standards for Architectural Coatings	YES	NO	N/A
1. The application area manufactures or imports architectural coatings for sale or distribution in the United States.		X	
2. The application area manufactures or imports architectural coatings that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act. <i>If the responses to Questions V.C.1 and V.C.2 are both "NO," go to Section VI.</i>		X	
3. <u>All</u> architectural coatings manufactured or imported by the application area meet one or more of the exemptions specified in 40 CFR § 59.400(c)(1) - (5).			

**VI. TITLE 40 CODE OF FEDERAL REGULATIONS PART 60 (40 CFR PART 60) - NEW SOURCE PERFORMANCE STANDARDS (NSPS)**

A. Applicability	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes a unit(s) that is subject to one or more 40 CFR Part 60 subparts. <i>If the response to Question VI.A.1 is "NO," go to Section VI.</i>		X	
B. Subpart Y - Standards of Performance for Coal Preparation Plants	YES	NO	N/A
1. The application area is located at a coal preparation plant. <i>If the response to Question VI.B.1 is "NO," go to Section VI.C.</i>			
2. The coal preparation plant has a design capacity greater than 200 tons per day (tpd). <i>If the response to Question VI.B.2 is "NO," go to Section VI.C.</i>			
3. The plant has an option to enforceably limit its operating level to less than 200 tpd and is choosing this option.			
C. Subpart GG - Standards of Performance for Stationary Gas Turbines (GOP applicants only)	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes one or more stationary gas turbines that have a heat input at peak load greater than or equal to 10 MMBtu/hr (10.7GJ/hr), based on the lower heating value of the fuel fired. <i>If the response to Question VI.C.1 is "NO" or "N/A," go to Section VI.D.</i>			
<input type="checkbox"/> 2. One or more of the affected facilities were constructed, modified, or reconstructed after October 3, 1977. <i>If the response to Question VI.C.2 is "NO," go to Section VI.D.</i>			
<input type="checkbox"/> 3. One or more stationary gas turbines in the application area are using a previously approved alternative fuel monitoring schedule as specified in 40 CFR § 60.334(h)(4).			
<input type="checkbox"/> 4. The exemption specified in 40 CFR § 60.332(e) is being utilized for one or more stationary gas turbines in the application area.			
<input type="checkbox"/> 5. One or more stationary gas turbines subject to 40 CFR Part 60, Subpart GG in the application area are injected with water or steam for the control of nitrogen oxides.			

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*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

**VI. TITLE 40 CODE OF FEDERAL REGULATIONS PART 60 (40 CFR PART 60) - NEW SOURCE PERFORMANCE STANDARDS (NSPS) (continued)**

	YES	NO	N/A
<b>D. Subpart XX - Standards of Performance for Bulk Gasoline Terminals</b>			
1. The application area includes bulk gasoline terminal loading racks. <i>If the response to Question VI.D.1 is "NO," go to Section VI.E.</i>			
2. One or more of the loading racks were constructed or modified after December 17, 1980.			
<b>E. Subpart LLL - Standards of Performance for Onshore Natural Gas Processing: Sulfur Dioxide (SO<sub>2</sub>) Emissions</b>			
<input type="checkbox"/> 1. The application area includes affected facilities identified in 40 CFR § 60.640(a) that process natural gas (onshore). <i>For SOP applications, if the response to Question VI.E.1 is "NO," go to Section VI.F.</i> <i>For GOP applications, if the response to Question VI.E.1 is "NO" or "N/A," go to Section VI.H.</i>			
<input type="checkbox"/> 2. The affected facilities that were constructed or modified after January 20, 1984.			
<input type="checkbox"/> 3. The application area includes a gas sweetening unit with a design capacity greater than or equal to 2 long tons per day (LTPD) of hydrogen sulfide but operates at less than 2 LTPD.			
<b>F. Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants</b>			
1. The application area includes affected facilities identified in 40 CFR § 60.670(a)(1) that are located at a fixed or portable nonmetallic mineral processing plant. <i>If the response to Question VI.F.1 is "NO," go to Section VI.G.</i>			
2. Affected facilities identified in 40 CFR § 60.670(a)(1) and located in the application area are subject to 40 CFR Part 60, Subpart OOO.			
<b>G. Subpart QQQ - Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems</b>			
1. The application area is located at a petroleum refinery and includes one or more of the affected facilities identified in 40 CFR § 60.690(a)(2) - (4) for which construction, modification, or reconstruction was commenced after May 4, 1987. <i>If the response to Question VI.G.1 is "NO," go to Section VII.</i>			
2. The application area includes stormwater sewer systems.			
3. The application area includes ancillary equipment which is physically separate from the wastewater system and does not come in contact with or store oily wastewater.			
4. The application area includes non-contact cooling water systems.			
5. The application area includes individual drain systems. <i>If the response to Question VI.G.5 is "NO," go to Section VII.</i>			
6. The application area includes one or more individual drain systems that meet the exemption specified in 40 CFR § 60.692-2(d).			
7. The application area includes completely closed drain systems.			
<b>H. Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction Commenced After December 9, 2004 or for Which Modification or Reconstruction Commenced on or After June 16, 2006. (complete for GOP 517 applications only)</b>			
<input type="checkbox"/> 1. The application area includes at least one Air Curtain Incinerator constructed after December 9, 2004 or modified or reconstructed on or after June 16, 2006.			
<input type="checkbox"/> 2. All Air Curtain Incinerators combust only wood waste, clean lumber, or yard waste or a mixture of these materials.			

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YCB



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For GOP applications, answer ONLY these questions unless otherwise directed.

**VII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 61 (40 CFR PART 61) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

A. Applicability	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes a unit(s) that is subject to one or more 40 CFR Part 61 subparts. <i>If the response to Question VII.A.1 is "NO" or "N/A," go to Section VIII.</i>		X	
B. Subpart F - National Emission Standard for Vinyl Chloride	YES	NO	N/A
1. The application area is located at a plant which produces ethylene dichloride by reaction of oxygen and hydrogen chloride with ethylene, vinyl chloride by any process, and/or one or more polymers containing any fraction of polymerized vinyl chloride.			
C. Subpart J - National Emission Standard for Benzene Emissions for Equipment Leaks (Fugitive Emission Sources) of Benzene (Complete this section for GOP applications only)	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes equipment in benzene service.			
D. Subpart L - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants	YES	NO	N/A
1. The application area is located at a coke by-product recovery plant and includes one or more of the affected sources identified in 40 CFR § 61.130(a) - (b). <i>If the response to Question VII.D.1 is "NO," go to Section VII.E.</i>			
2. The application area includes equipment in benzene service as determined by 40 CFR § 61.137(b).			
3. The application area has elected to comply with the provisions of 40 CFR § 61.243-1 and 40 CFR § 61.243-2.			
E. Subpart M - National Emission Standard for Asbestos	YES	NO	N/A
<i>Applicability</i>			
1. The application area includes sources, operations, or activities specified in 40 CFR §§ 61.143, .144, .146, .147, .148, or .155. <i>If the response to Question VII.E.1 is "NO," go to Section VII.F.</i>			
<i>Roadway Construction</i>			
2. The application area includes roadways constructed or maintained with asbestos tailings or asbestos-containing waste material.			
<i>Manufacturing Commercial Asbestos</i>			
3. The application area includes a manufacturing operation using commercial asbestos. <i>If the response to Question VII.E.3 is "NO," go to Question VII.E.4.</i>			
a. Visible emissions are discharged to outside air from the manufacturing operation.			
b. An alternative emission control and waste treatment method is being used that has received prior U.S. Environmental Protection Agency (EPA) approval.			
c. Asbestos-containing waste material is processed into nonfriable forms.			
d. Asbestos-containing waste material is adequately wetted.			
e. Alternative filtering equipment is being used that has received EPA approval.			
f. A high efficiency particulate air (HEPA) filter is being used that is certified to be at least 99.97% efficient for 0.3 micron particles.			
g. The EPA has authorized the use of wet collectors designed to operate with a unit contacting energy of at least 9.95 kilopascals.			

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*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

**VII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 61 (40 CFR PART 61) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (continued)**

E. Subpart M - National Emission Standard for Asbestos (continued)	YES	NO	N/A
<i>Asbestos Spray Application</i>			
4. The application area includes operations in which asbestos-containing materials are spray applied. <i>If the response to Question VII.E.4 is "NO," go to Question VII.E.5.</i>			
a. Asbestos fibers are encapsulated with a bituminous or resinous binder during spraying and are not friable after drying. <i>If the response to Question VII.E.4.a is "YES," go to Question VII.E.5.</i>			
b. Spray-on applications on buildings, structures, pipes, and conduits do not use material containing more than 1% asbestos.			
c. An alternative emission control and waste treatment method is being used that has received prior EPA approval.			
d. Asbestos-containing waste material is processed into nonfriable forms.			
e. Asbestos-containing waste material is adequately wetted.			
f. Alternative filtering equipment is being used that has received EPA approval.			
g. A HEPA filter is being used that is certified to be at least 99.97% efficient for 0.3 micron particles.			
h. The EPA has authorized the use of wet collectors designed to operate with a unit contacting energy of at least 9.95 kilopascals.			
<i>Fabricating Commercial Asbestos</i>			
5. The application area includes a fabricating operation using commercial asbestos. <i>If the response to Question VII.E.5 is "NO," go to Question VII.E.6.</i>			
a. Visible emissions are discharged to outside air from the manufacturing operation.			
b. An alternative emission control and waste treatment method is being used that has received prior EPA approval.			
c. Asbestos-containing waste material is processed into nonfriable forms.			
d. Asbestos-containing waste material is adequately wetted.			
e. Alternative filtering equipment is being used that has received EPA approval.			
f. A HEPA filter is being used that is certified to be at least 99.97% efficient for 0.3 micron particles.			
g. The EPA has authorized the use of wet collectors designed to operate with a unit contacting energy of at least 9.95 kilopascals.			
<i>Non-sprayed Asbestos Insulation</i>			
6. The application area includes insulating materials (other than spray applied insulating materials) that are either molded and friable or wet-applied and friable after drying.			
<i>Asbestos Conversion</i>			
7. The application area includes operations that convert regulated asbestos-containing material and asbestos-containing waste material into nonasbestos (asbestos-free) material.			
<b>F. Subpart P - National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area is located at a metallic arsenic production plant and to each arsenic trioxide plant that processes low-grade arsenic bearing materials by a roasting condensation process.			



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**VII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 61 (40 CFR PART 61) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (continued)**

**G. Subpart BB - National Emission Standard for Benzene Emissions from Benzene Transfer Operations**      YES   NO   N/A

1. The application area is located at a benzene production facility and/or bulk terminal. <i>If the response to Question VII.G.1 is "NO," go to Section VII.H.</i>			
2. The application area includes benzene transfer operations at marine vessel loading racks.			
3. The application area includes benzene transfer operations at railcar loading racks.			
4. The application area includes benzene transfer operations at tank-truck loading racks.			

**H. Subpart FF - National Emission Standard for Benzene Waste Operations**      YES   NO   N/A

*Applicability*

1. The application area includes a chemical manufacturing plant, coke by-product recovery plant, or petroleum refinery facility as defined in §61.341.			
2. The application area is located at a hazardous waste treatment, storage, and disposal (TSD) facility site as described in 40 CFR § 61.340(b). <i>If the responses to Questions VII.H.1 and VII.H.2 are both "NO," go to Section VIII.</i>			

*Site-Wide Benzene Waste Quantities*

3. The application area is located at a site having a total annual benzene quantity from facility waste less than 1 megagrams per year (Mg/yr). <i>If the response to Question VII.H.4 is "YES," go to Section VIII.</i>			
4. The application area is located at a site having a total annual benzene quantity from facility waste greater than or equal to 1 Mg/yr but less than 10 Mg/yr. <i>If the response to Question VII.H.5 is "YES," go to Section VIII.</i>			
5. The flow-weighted annual average benzene concentration of each waste stream at the site is based on documentation.			

*Waste Stream Exemptions*

6. The application area has waste streams with a flow-weighted annual average water content of 10% or greater.			
7. The application area has waste streams that meet the exemption specified in 40 CFR § 61.342(c)(2) (the flow-weighted annual average benzene concentration is less than 10 ppmw).			
8. The application area has waste streams that meet the exemption specified in 40 CFR § 61.342(c)(3) because process wastewater has a flow rate less than 0.02 liters per minute or an annual wastewater quantity less than 10 Mg/yr.			
9. The application area has waste streams that meet the exemption specified in 40 CFR § 61.342(c)(3) because the total annual benzene quantity is less than or equal to 2 Mg/yr.			
10. The application area transfers waste off-site for treatment by another facility.			
11. The application area is complying with 40 CFR § 61.342(d).			
12. The application area is complying with 40 CFR § 61.342(e).			

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Air Quality Division



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*For GOP applications, answer ONLY these questions unless otherwise directed.*

**VII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 61 (40 CFR PART 61) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (continued)**

**H. Subpart FF - National Emission Standard for Benzene Waste Operations (continued)** YES NO N/A

*Container Requirements*

13. The application area has containers, as defined in 40 CFR § 61.341, that receive non-exempt benzene waste. <i>If the response to Question VII.H.13 is "NO," go to Question VII.H.16.</i>			
14. The application area is an alternate means of compliance to meet the 40 CFR § 61.345 requirements for containers. <i>If the response to Question VII.H.14 is "YES," go to Question VII.H.16.</i>			
15. Covers and closed-vent systems used for containers operate such that the container is maintained at a pressure less than atmospheric pressure.			

*Individual Drain Systems*

16. The application area has individual drain systems, as defined in 40 CFR § 61.341, that receive or manage non-exempt benzene waste. <i>If the response to Question VII.H.16 is "NO," go to Question VII.H.23</i>			
17. The application area is using an alternate means of compliance to meet the 40 CFR § 61.346 requirements for individual drain systems. <i>If the response to Question VII.H.17 is "YES," go to Question VII.H.23.</i>			
18. The application area has individual drain systems complying with 40 CFR § 61.346(a). <i>If the response to Question VII.H.18 is "NO," go to Question VII.H.20.</i>			
19. Covers and closed-vent systems used for individual drain systems operate such that the individual drain system is maintained at a pressure less than atmospheric pressure.			
20. The application area has individual drain systems complying with 40 CFR § 61.346(b). <i>If the response to Question VII.H.20 is "NO," go to Question VII.H.23.</i>			
21. Junction boxes in the individual drain systems are equipped with a system to prevent the flow of organic vapors from the junction box vent pipe to the atmosphere during normal operation.			
22. Junction box vent pipes in the individual drain systems are connected to a closed-vent system and control device.			

*Remediation Activities*

23. Remediation activities take place at the application area subject to NESHAP FF.			
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**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES**

**A. Applicability** YES NO N/A

<input type="checkbox"/> 1. The application area includes a unit(s) that is subject to one or more 40 CFR Part 63 subparts <u>other than</u> subparts made applicable by reference under subparts in 40 CFR Part 60, 61 or 63. <i>See instructions for 40 CFR Part 63 subparts made applicable only by reference.</i>		X	
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**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (continued)**

<b>B. Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry</b>	YES	NO	N/A
1. The application area is located at a site that includes process units that manufacture as a primary product one or more of the chemicals listed in 40 CFR § 63.100(b)(1)(i) or (b)(1)(ii).		X	
2. The application area is located at a plant site that is a major source as defined in the Federal Clean Air Act § 112(a).		X	
3. The application area is located at a site that includes chemical manufacturing process units that use as a reactant or manufacture as a product, or co-product, one or more of the organic hazardous air pollutants listed in table 2 of 40 CFR Part 63, Subpart F.		X	
<i>If the response to Question VIII.B.1, .B.2, or .B.3 is "NO," go to Section VIII.D.</i>			
4. The application area includes chemical manufacturing process units that use as a reactant or manufacture as a product, or co-product, one or more of the organic hazardous air pollutants listed in table 2 of 40 CFR Part 63, Subpart F.			
<b>C. Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater</b>	YES	NO	N/A
<b>Applicability</b>			
1. The application area is located at a site that is subject to 40 CFR 63, Subpart F and the application area includes process vents, storage vessels, transfer racks, or waste streams associated with a chemical manufacturing process subject to 40 CFR 63, Subpart F. <i>If the response to Question VIII.C.1 is "NO," go to Section VIII.D.</i>			
2. The application area includes fixed roofs, covers, and/or enclosures that are required to comply with 40 CFR § 63.148.			
<b>Vapor Collection and Closed Vent Systems</b>			
3. The application area includes vapor collection systems or closed-vent systems that are required to comply with 40 CFR § 63.148. <i>If the response to Question VIII.C.3 is "NO," go to Question VIII.C.8.</i>			
4. The application area includes vapor collection systems or closed-vent systems that are constructed of hard-piping.			
5. The application area includes vapor collection systems or closed-vent systems that contain by-pass lines that could divert a vent stream away from a control device and to the atmosphere. <i>If the response to Question VIII.C.5 is "NO," go to Question VIII.C.8.</i>			
6. Flow indicators are installed, calibrated, maintained, and operated at the entrances to by-pass lines in the application area.			
7. By-pass lines in the application area are secured in the closed position with a car-seal or a lock-and-key type configuration.			
<b>Transfer Racks</b>			
8. The application area includes Group 1 transfer racks that load organic HAPs.			
<b>Process Wastewater Streams</b>			
9. The application area includes process wastewater streams. <i>If the response to Question VIII.C.9 is "NO," go to Question VIII.C.22.</i>			

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**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (continued)**

<b>C. Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (continued)</b>	YES	NO	N/A
10. The application area includes process wastewater streams that are also subject to the provisions of 40 CFR Part 61, Subpart FF. <i>If the response to Question VIII.C.10 is "NO," go to Question VIII.C.12.</i>			
11. The application area includes process wastewater streams that are complying with 40 CFR §§ 63.110(e)(1)(i) and (e)(1)(ii).			
12. The application area includes process wastewater streams that are also subject to the provisions of 40 CFR Part 61, Subpart F. <i>If the response to Question VIII.C.12 is "NO," go to Question VIII.C.14.</i>			
13. The application area includes process wastewater streams utilizing the compliance option specified in 40 CFR § 63.110(f)(4)(ii).			
14. The application area includes process wastewater streams that are also subject to the provisions of 40 CFR Parts 260 through 272. <i>If the response to Question VIII.C.14 is "NO," go to Question VIII.C.17.</i>			
15. The application area includes process wastewater streams complying with 40 CFR § 63.110(e)(2)(i).			
16. The application are includes process wastewater streams complying with 40 CFR § 63.110(e)(2)(ii).			
17. The application area includes process wastewater streams, located at existing sources, that are designated as Group 1; are required to be treated as Group 1 under 40 CFR § 63.110; or are determined to be Group 1 for Table 9 compounds.			
18. The application area includes process wastewater streams, located at existing sources, that are Group 2.			
19. The application area includes process wastewater streams, located at new sources, that are designated as Group 1; required to be treated as Group 1 under 40 CFR § 63.110; or are determined to be Group 1 for Table 8 or Table 9 compounds.			
20. The application area includes process wastewater streams, located at new sources, that are Group 2 for both Table 8 and Table 9 compounds.			
21. All Group 1 wastewater streams at the <u>site</u> are demonstrated to have a total source mass flow rate of less than 1 MG/yr. <i>If the response to Question VIII.C.21. is "YES," go to Question VIII.C.31.</i>			
22. The <u>site</u> has untreated and/or partially treated Group 1 wastewater streams demonstrated to have a total source mass flow rate of less than 1 MG/yr. <i>If the response to Question VIII.C.22. is "NO," go to Question VIII.C.24.</i>			
23. The application area includes waste management units that receive or manage a partially treated Group 1 wastewater stream prior to or during treatment.			
24. Group 1 wastewater streams or residual removed from Group 1 wastewater streams are transferred to an on-site treatment operation that is not owned or operated by the owner or operator of the source generating the waste stream or residual.			
25. Group 1 wastewater streams or residual removed from Group 1 wastewater streams are transferred to an off-site treatment operation.			

*If the response to Question VIII.C.24 - VIII.C.25 are both "NO," go to Question VIII.C.27.*

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*For GOP applications, answer ONLY these questions unless otherwise directed.*

**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (continued)**

<b>C. Subpart G - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (continued)</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
26. The application area includes waste management units that receive or manage a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream prior to shipment or transport.			
27. The application area includes containers that receive, manage, or treat a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream.			
<b>Drains</b>			
28. The application area includes individual drain systems that receive or manage a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream. <i>If the response to Question VIII.C.28 is "NO," go to Question VIII.C.31</i>			
29. The application area includes individual drain systems that are complying with 40 CFR § 63.136 through the use of covers and, if vented, closed vent systems and control devices.			
30. The application area includes individual drain systems that are complying with 40 CFR § 63.136 through the use of water seals or tightly fitting caps or plugs.			
31. The application area includes drains, drain hubs, manholes, lift stations, trenches, or pipes that are part of a chemical manufacturing process unit that meets the criteria of 40 CFR § 63.100(b). <i>If the response to Question VIII.C.31 is "NO," go to Question VIII.C.36.</i>			
32. The application area includes drains, drain hubs, manholes, lift stations, trenches or pipes (that are part of a chemical manufacturing process unit) that meet the criteria listed in 40 CFR § 63.149(d). <i>If the response to Question VIII.C.32 is "NO," go to Question VIII.C.36.</i>			
33. The application area includes drains, drain hubs, manholes, lift stations, trenches, or pipes that convey water with a total annual average concentration greater than or equal to 10,000 parts per million by weight of compounds listed in 40 CFR Part 63 Subpart G, Table 9, at any flow rate.			
34. The application area includes drains, drain hubs, manholes, lift stations, trenches or pipes that convey water with a total annual average concentration greater than or equal to 1,000 parts per million by weight of compounds listed in 40 CFR Part 63 Subpart G, Table 9, at an annual average flow rate greater than or equal to 10 liters per minute.			
35. The application area includes drains, drain hubs, manholes, lift stations, trenches or pipes that are part of a chemical manufacturing process unit that is subject to the New Source Review (NSR) requirements of 40 CFR § 63.100(l)(1) or (l)(2); and the equipment conveys water with a total annual average concentration greater than or equal to 10 parts per million by weight of compounds listed in 40 CFR Part 63 Subpart G, Table 8, at an average annual flow rate greater than or equal to 0.02 liter per minute.			
<b>Gas Streams</b>			
36. The application area includes gas streams meeting the characteristics of 40 CFR § 63.107(b) - (h) or the criteria of 40 CFR § 63.113(i) and are transferred to a control device not owned or operated by the applicant.			
37. The applicant is unable to comply with 40 CFR §§ 63.113 - 63.118 for one or more reasons described in 40 CFR § 63.100(q)(1), (3), or (5)			

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Air & Waste Applications



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Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES <i>(continued)</i>			
<b>D. Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks</b>	YES	NO	N/A
1. The application area includes chromium electroplating or chromium anodizing tanks located at hard chromium electroplating, decorative chromium electroplating, and/or chromium anodizing operations.		X	
<b>E. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities</b>	YES	NO	N/A
1. The application area includes sterilization facilities where ethylene oxide is used in the sterilization or fumigation of materials. <i>If the response to Question VIII.E.1 is "NO," go to Section VIII.F.</i>		X	
2. Sterilization facilities located in the application area are subject to 40 CFR Part 63, Subpart O. <i>If the response to Question VIII.E.2 is "NO," go to Section VIII.F.</i>			
3. The sterilization source has used less than 1 ton (907 kg) of ethylene oxide within all consecutive 12-month periods after December 6, 1996.			
4. The sterilization source has used less than 10 tons (9070 kg) of ethylene oxide within all consecutive 12-month periods after December 6, 1996.			
<b>F. Subpart Q - National Emission Standards for Industrial Process Cooling Towers</b>	YES	NO	N/A
1. The application area includes industrial process cooling towers. <i>If the response to Question VIII.F.1 is "NO," go to Section VIII.G.</i>	X		
2. Chromium-based water treatment chemicals have been used on or after September 8, 1994.		X	
<b>G. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)</b>	YES	NO	N/A
1. The application area includes a bulk gasoline terminal.		X	
2. The application area includes a pipeline breakout station. <i>If the responses to Questions VIII.G.1 and VIII.G.2 are both "NO," go to Section VIII.H.</i>		X	
3. The bulk gasoline terminal or pipeline breakout station is located within a contiguous area and under common control with another bulk gasoline terminal or a pipeline breakout station. <i>If the response to Question VIII.G.3 is "YES," go to Question VIII.G.9.</i>			
4. The bulk gasoline terminal or pipeline breakout station is located within a contiguous area and under common control with sources, other than bulk gasoline terminals or pipeline breakout stations, that emit or have the potential to emit HAPs. <i>If the response to Question VIII.G.3 is "YES," go to Question VIII.G.9.</i>			
5. The value 0.04(OE) is less than 5% of the value of the bulk gasoline terminal emissions screening factor ( $E_T$ ) or the pipeline breakout station emissions screening factor ( $E_P$ ).			
6. Emissions screening factor less than 0.5 ( $E_T$ or $E_P < 0.5$ ).			
7. Emissions screening factor greater than or equal to 0.5, but less than 1.0 ( $0.5 \leq E_T$ or $E_P < 1.0$ ).			
8. Emissions screening factor greater than or equal to 1.0 ( $E_T$ or $E_P \geq 1.0$ ).			
9. The <u>site</u> at which the application area is located is a major source of HAP. <i>If the response to Question VIII.G.9 is "NO," go to Section VIII.H.</i>			
10. The application area is using an alternative leak monitoring program as described in 40 CFR § 63.424(f).			

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Air & Water Pollution

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*For SOP applications, answer ALL questions unless otherwise directed.*

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**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (continued)**

	YES	NO	N/A
<b>H. Subpart S - National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry</b>			
1. The application area includes processes that produce pulp, paper, or paperboard and are located at a plant site that is a major source of HAPs as defined in 40 CFR § 63.2. <i>If the response to Question VIII.H.1 is "NO," go to Section VIII.I.</i>		X	
2. The application area uses processes and materials specified in 40 CFR § 63.440(a)(1) - (3). <i>If the response to Question VIII.H.2 is "NO," go to Section VIII.I.</i>			
3. The application area includes one or more sources subject to 40 CFR Part 63, Subpart S that are existing sources. <i>If the response to Question VIII.H.3 is "NO," go to Section VIII.I.</i>			
4. The application area includes one or more kraft pulping systems that are existing sources.			
5. The application area includes one or more dissolving-grade bleaching systems that are existing sources at a kraft or sulfite pulping mill.			
6. The application area includes bleaching systems that are existing sources and are complying with the Voluntary Advanced Technology Incentives Program for Effluent Limitation Guidelines in 40 CFR § 430.24. <i>If the response to Question VIII.H.6 is "NO," go to Section VIII.I.</i>			
7. The application area includes bleaching systems that are complying with 40 CFR § 63.440(d)(3)(i).			
8. The application area includes bleaching systems that are complying with 40 CFR § 63.440(d)(3)(ii).			
<b>I. Subpart T - National Emission Standards for Halogenated Solvent Cleaning</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area includes an individual batch vapor, in-line vapor, in-line cold, and/or batch cold solvent cleaning machine that uses a hazardous air pollutant (HAP) solvent, or any combination of halogenated HAP solvents, in a total concentration greater than 5% by weight, as a cleaning and/or drying agent.		X	
<b>J. Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group 1 Polymers and Resins</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. The application area includes elastomer product process units and/or wastewater streams and wastewater operations that are associated with elastomer product process units. <i>If the response to Question VIII.J.1 is "NO," go to Section VIII.K.</i>		X	
2. Elastomer product process units and/or wastewater streams and wastewater operations located in the application area are subject to 40 CFR Part 63, Subpart U. <i>If the response to Question VIII.J.2 is "NO," go to Section VIII.K.</i>			
3. The application area includes process wastewater streams that are designated as Group 1 or are determined to be Group 1 for organic HAPs as defined in 40 CFR § 63.482.			
4. The application area includes process wastewater streams that are Group 2 for organic HAPs as defined in 40 CFR § 63.482.			
5. All Group 1 wastewater streams at the <u>site</u> are demonstrated to have a total source mass flowrate of less than 1 MG/yr. <i>If the response to Question VIII.J.5 is "YES," go to Question VIII.J.15.</i>			
6. The <u>site</u> has untreated and/or partially treated Group 1 wastewater streams demonstrated to have a total source mass flowrate of less than 1 MG/yr. <i>If the response to Question VIII.C.6 is "NO," go to Question VIII.J.8.</i>			

VCS



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*For SOP applications, answer ALL questions unless otherwise directed.*

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**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (continued)**

<b>J. Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group 1 Polymers and Resins</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
7. The application area includes waste management units that receive or manage a partially treated Group 1 wastewater stream prior to or during treatment.			
8. Group 1 wastewater streams or residual removed from Group 1 wastewater streams are transferred to an on-site treatment operation that is not owned or operated by the owner or operator of the source generating the waste stream or residual.			
9. Group 1 wastewater streams or residual removed from Group 1 wastewater streams are transferred to an off-site treatment operation.			
<i>If the response to Question VIII.J.8 - VIII.J.9 are both "NO," go to Question VIII.J.11.</i>			
10. The application area includes waste management units that receive or manage a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream prior to shipment or transport.			
<b>Containers</b>			
11. The application area includes containers that receive, manage, or treat a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream.			
<b>Drains</b>			
12. The application area includes individual drain systems that receive or manage a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream. <i>If the response to Question VIII.J.12. is "NO," go to Question VIII.J.15.</i>			
13. The application area includes individual drain systems that are complying with 40 CFR § 63.136 through the use of covers and, if vented, closed vent systems and control devices.			
14. The application area includes individual drain systems that are complying with 40 CFR § 63.136 through the use of water seals or tightly fitting caps or plugs.			
15. The application area includes drains, drain hubs, manholes, lift stations, trenches, or pipes that are part of an elastomer product process unit. <i>If the response to Question VIII.J.15 is "NO," go to Section VIII.K.</i>			
16. The application area includes drains, drain hubs, manholes, lift stations, trenches or pipes that meet the criteria listed in 40 CFR § 63.149(d) and § 63.501(a)(12). <i>If the response to Question VIII.J.16 is "NO," go to Section VIII.K.</i>			
17. The application area includes drains, drain hubs, manholes, lift stations, trenches, or pipes that convey water with a total annual average concentration greater than or equal to 10,000 parts per million by weight of compounds meeting the definition of organic HAP in 40 CFR § 63.482, at any flow rate.			
18. The application area includes drains, drain hubs, manholes, lift stations, trenches or pipes that convey water with a total annual average concentration greater than or equal to 1,000 parts per million by weight of compounds meeting the definition of organic HAP in 40 CFR § 63.482, at an annual average flow rate greater than or equal to 10 liters per minute.			
19. The application area includes drains, drain hubs, manholes, lift stations, trenches or pipes that are part of an elastomer product process unit that is a new affected source or part of a new affected source and the equipment conveys water with a total annual average concentration greater than or equal to 10 parts per million by weight of compounds meeting the definition of organic HAP in 40 CFR § 63.482, at an average annual flow rate greater than or equal to 0.02 liter per minute.			

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Atmospheric Applications



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*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (continued)**

**K. Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-nylon Polyamides Production** YES NO N/A

1. The manufacture of basic liquid epoxy resins (BLR) and/or manufacture of wet strength resins (WSR) is conducted in the application area. <i>If the response to Question VIII.K.1 is "NO" or "N/A," go to Section VIII.L.</i>	X		
2. The application area includes a BLR and/or WSR research and development facility.			

**L. Subpart X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting** YES NO N/A

1. The application area includes one or more of the affected sources in 40 CFR § 63.541(a) that are located at a secondary lead smelter. <i>If the response to Question VIII.L.1 is "NO" or "N/A," go to Section VIII.M.</i>	X		
2. The application area is using and approved alternate to the requirements of § 63.545(c)(1)-(5) for control of fugitive dust emission sources.			

**M. Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations** YES NO N/A

1. The application area includes marine tank vessel loading operations that are specified in 40 CFR § 63.560 and located at an affected source as defined in 40 CFR § 63.561.	X		
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**N. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries** YES NO N/A

*Applicability*

1. The application area includes petroleum refining process units and/or related emission points that are specified in 40 CFR § 63.640(c)(1) - (c)(7). <i>If the response to Question VIII.N.1 is "NO," go to Section VIII.O.</i>	X		
2. <u>All</u> petroleum refining process units/and or related emission points within the application area are specified in 40 CFR § 63.640(g)(1) - (g)(7). <i>If the response to Question VIII.N.2 is "YES," go to Section VIII.O.</i>			
3. The application area is located at a plant site that is a major source as defined in the Federal Clean Air Act § 112(a). <i>If the response to Question VIII.N.3 is "NO," go to Section VIII.O.</i>			
4. The application area is located at a plant site which emits or has equipment containing/contacting one or more of the HAPs listed in table 1 of 40 CFR Part 63, Subpart CC. <i>If the response to Question VIII.N.4 is "NO," go to Section VIII.O.</i>			

*Wastewater Streams*

5. The application area includes Group 1 wastewater streams that are <u>not</u> conveyed, stored, or treated in a wastewater stream management unit that also receives streams subject to the provisions of 40 CFR §§ 63.133 - 63.147 of Subpart G wastewater provisions section.			
6. The application area includes Group 2 wastewater streams that are <u>not</u> conveyed, stored, or treated in a wastewater stream management unit that also receives streams subject to the provisions of 40 CFR §§ 63.133 - 63.147 of Subpart G wastewater provisions section.			
7. The application area includes Group 1 or Group 2 wastewater streams that are conveyed, stored, or treated in a wastewater stream management unit that also receives streams subject to the provisions of 40 CFR §§ 63.133 - 63.147 of Subpart G wastewater provisions section. <i>If the response to Question VIII.N.7 is "NO," go to Section VIII.O.</i>			
8. The application area includes Group 1 or Group 2 wastewater streams that are complying with 40 CFR § 63.640(o)(2)(i).			

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**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (continued)**

N. Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries (continued)	YES	NO	N/A
9. The application area includes Group 1 or Group 2 wastewater streams that are complying with 40 CFR § 63.640(o)(2)(ii). <i>If the response to Question VIII.N.9 is "NO," go to Section VIII.O.</i>			
10. The application area includes Group 2 wastewater streams or organic streams whose benzene emissions are subject to control through the use of one or more treatment processes or waste management units under the provisions of 40 CFR Part 61, Subpart FF on or after December 31, 1992.			
<i>Containers, Drains, and other Appurtenances</i>			
11. The application area includes containers that are subject to the requirements of 40 CFR § 63.135 as a result of complying with 40 CFR § 63.640(o)(2)(ii).			
12. The application area includes individual drain systems that are subject to the requirements of 40 CFR § 63.136 as a result of complying with 40 CFR § 63.640(o)(2)(ii).			
O. Subpart DD - National Emission Standards for Off-site Waste and Recovery Operations	YES	NO	N/A
1. The application area is located at a plant site receiving material that meets the criteria for off-site material as specified in 40 CFR § 63.680(b)(1). <i>If the response to Question VIII.P.1 is "NO" or "N/A," go to Section VIII.Q.</i>		X	
2. Materials specified in 40 CFR § 63.680(b)(2) are received at the application area.			
3. The application area has a waste management operation receiving off-site material and is regulated under 40 CFR Part 264 or Part 265.			
4. The application area has a waste management operation treating wastewater which is an off-site material and is exempted under 40 CFR § 264.1(g)(6) or 265.1(c)(10).			
5. The application area has an operation subject to Clean Water Act, § 402 or § 307(b) but is not owned by a "state" or "municipality."			
6. The predominant activity in the application area is the treatment of wastewater received from off-site.			
7. The application area has a recovery operation that recycles or reprocesses hazardous waste which is an off-site material and is exempted under 40 CFR § 264.1(g)(2) or 265.1(c)(6).			
8. The application area has a recovery operation that recycles or reprocesses used solvent which is an off-site material and is not part of a chemical, petroleum, or other manufacturing process that is required to use air emission controls by another subpart of 40 CFR Part 63 or Part 61.			
9. The application area has a recovery operation that re-refines or reprocesses used oil which is an off-site material and is regulated under 40 CFR Part 279, Subpart F (Standards for Used Oil Processors and Refiners).			
10. The application area is located at a site where the total annual quantity of HAPs in the off-site material is less than 1 megagram per year. <i>If the response to Question VIII.P.10 is "YES," go to Section VIII.Q.</i>			
11. The application area receives offsite materials with average VOHAP concentration less than 500 ppmw at the point of delivery that are not combined with materials having a VOHAP concentration of 500 ppmw or greater. <i>If the response to Question VIII.O.11 is "NO," go to Question VIII.O.14.</i>			

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Atchafalaya, Louisiana





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**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (continued)**

<b>O. Subpart DD - National Emission Standards for Off-site Waste and Recovery Operations (continued)</b>	YES	NO	N/A
12. VOHAP concentration is determined by direct measurement.			
13. VOHAP concentration is based on knowledge of the offsite material.			
14. The application area includes an equipment component that is a pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector or instrumentation system. <i>If the response to Question VIII.P.14 is "NO," go to Question VIII.P.17.</i>			
15. An equipment component in the application area contains or contacts off-site material with a HAP concentration greater than or equal to 10% by weight.			
16. An equipment component in the application area is intended to operate 300 hours or more during a 12-month period.			
17. The application area includes containers used for off-site material.			
18. The application area includes individual drain systems that manage off-site materials.			
<b>P. Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities</b>	YES	NO	N/A
1. The application area includes facilities that manufacture or rework commercial, civil, or military aerospace vehicles or components. <i>If the response to Question VIII.Q.1 is "NO" or "N/A," go to Section VIII.R.</i>			
2. The application area includes one or more of the affected sources specified in 40 CFR § 63.741(c)(1) - (7).			
<b>Q. Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.</b>	YES	NO	N/A
<input type="checkbox"/> 1. The application area is subject to 40 CFR Part 63, Subpart HH - National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities. <i>For GOP applications, go to Section VIII.Z</i>		X	
<b>R. Subpart II - National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)</b>	YES	NO	N/A
1. The application area includes shipbuilding or ship repair operations. <i>If the response to Question VIII.S.1 is "NO," go to Section VIII.T.</i>		X	
2. Shipbuilding or ship repair operations located in the application area are subject to 40 CFR Part 63, Subpart II.			
<b>S. Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations</b>	YES	NO	N/A
1. The application area includes wood furniture manufacturing operations and/or wood furniture component manufacturing operations. <i>If the response to Question VIII.T.1 is "NO" or "N/A," go to Section VIII.U.</i>		X	
2. The application area meets the definition of an "incidental wood manufacturer" as defined in 40 CFR § 63.801.			
<b>T. Subpart KK - National Emission Standards for the Printing and Publishing Industry</b>	YES	NO	N/A
1. The application area includes publication rotogravure, product and packaging rotogravure, or wide-web flexographic printing presses.		X	

KB



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**VIII. TITLE 40 CODE OF FEDERAL REGULATIONS PART 63 (40 CFR PART 63) - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (continued)**

	YES	NO	N/A
<b>U. Subpart PP - National Emission Standards for Containers</b>			
1. The application area includes containers for which another 40 CFR Part 60, 61, or 63 subpart references the use of 40 CFR Part 63, Subpart PP for the control of air emissions. <i>If the response to Question VIII.V.1 is "NO," go to Section VIII.W.</i>		X	
2. The application area includes containers using Container Level 1 controls.			
3. The application area includes containers using Container Level 2 controls.			
4. The application area includes containers using Container Level 3 controls.			
<b>V. Subpart RR - National Emission Standards for Individual Drain Systems</b>			
1. The application area includes individual drain systems for which another 40 CFR Part 60, 61, or 63 subpart references the use of 40 CFR Part 63, Subpart RR for the control of air emissions.		X	
<b>W. Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins</b>			
1. The application area includes thermoplastic product process units, and/or their associated affected sources specified in 40 CFR § 63.1310(a)(1) - (5), that are subject to 40 CFR Part 63, Subpart JJJ.		X	
<b>X. Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic reforming Units, and Sulfur Recovery Units.</b>			
1. The application area is subject to 40 CFR Part 63, Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic reforming Units, and Sulfur Recovery Units.		X	
<b>Y. Subpart AAAA - National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste (MSW) Landfills.</b>			
<input type="checkbox"/> 1. The application area is subject to 40 CFR Part 63, Subpart AAAA - National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.		X	
<b>Z. Subpart GGGG - National Emission Standards for Hazardous Air Pollutants for: Solvent Extractions for Vegetable Oil Production.</b>			
1. The application area includes a vegetable oil production process that: is by itself a major source of HAP emissions or, is collocated within a plant site with other sources that are individually or collectively a major source of HAP emissions.		X	
<b>AA. Recently Promulgated 40 CFR Part 63 Subparts</b>			
<input type="checkbox"/> 1. The application area is subject to one or more promulgated 40 CFR Part 63 subparts not addressed on this form. <i>If the response to Question VIII.BB.1. is "NO," go to Section IX. A list of promulgated 40 CFR Part 63 subparts not otherwise addressed on OP-REQ1 is included in the instructions.</i>			X
<input type="checkbox"/> 2. Provide the Subpart designation (i.e. Subpart EEE) in the space provided below.			

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**IX. TITLE 40 CODE OF FEDERAL REGULATIONS PART 68 (40 CFR PART 68) - CHEMICAL ACCIDENT PREVENTION PROVISIONS**

A. Applicability	YES	NO	N/A
<input type="checkbox"/> 1. The application area contains processes subject to 40 CFR Part 68, Chemical Accident Prevention Provisions, and specified in 40 CFR § 68.10.	X		

**X. TITLE 40 CODE OF FEDERAL REGULATIONS PART 82 (40 CFR PART 82) - PROTECTION OF STRATOSPHERIC OZONE**

A. Subpart A - Production and Consumption Controls	YES	NO	N/A
<input type="checkbox"/> 1. The application area is located at a site that produces, transforms, destroys, imports, or exports a controlled substance or product.		X	

B. Subpart B - Servicing of Motor Vehicle Air Conditioners	YES	NO	N/A
<input type="checkbox"/> 1. Servicing, maintenance, and/or repair of fleet vehicle air conditioning systems using ozone-depleting refrigerants is conducted in the application area.		X	

C. Subpart C - Ban on Nonessential Products Containing Class I Substances and Ban on Nonessential Products Containing or Manufactured with Class II Substances	YES	NO	N/A
<input type="checkbox"/> 1. The application area sells or distributes one or more nonessential products (which release a Class I or Class II substance) that are subject to 40 CFR Part 82, Subpart C.		X	

D. Subpart D - Federal Procurement	YES	NO	N/A
<input type="checkbox"/> 1. The application area is owned/operated by a department, agency, or instrumentality of the United States.		X	

E. Subpart E - The Labeling of Products Using Ozone Depleting Substances	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes containers in which a Class I or Class II substance is stored or transported prior to the sale of the Class I or Class II substance to the ultimate consumer.		X	
<input type="checkbox"/> 2. The application area is a manufacturer, importer, wholesaler, distributor, or retailer of products containing a Class I or Class II substance.		X	
<input type="checkbox"/> 3. The application area is a manufacturer, importer, wholesaler, distributor, or retailer of products manufactured with a process that uses a Class I or Class II substance.		X	

F. Subpart F - Recycling and Emissions Reduction	YES	NO	N/A
<input type="checkbox"/> 1. Servicing, maintenance, and/or repair on refrigeration and nonmotor vehicle air condition appliances using ozone-depleting refrigerants or non-exempt substitutes is conducted in the application area.		X	
<input type="checkbox"/> 2. Disposal of appliances (including motor vehicle air conditioners) or refrigerant or non-exempt substitute reclamation occurs in the application area.		X	
<input type="checkbox"/> 3. The application area manufactures appliances or refrigerant recycling and recovery equipment.		X	

G. Subpart G - Significant New Alternatives Policy Program	YES	NO	N/A
<input type="checkbox"/> 1. The application area manufactures, formulates, or creates chemicals, product substitutes, or alternative manufacturing processes that are intended for use as a replacement for a Class I or Class II compound. <i>If the response to Question X.G.1 is "NO," go to Section X.H.</i>		X	
<input type="checkbox"/> 2. All substitutes produced by the application area meet one or more of the exemptions in 40 CFR § 82.176(b)(1) - (7).			

*WJ*



Texas Commission on Environmental Quality  
 Application Area-Wide Applicability Determination and General Information  
 Form OP-REQ1 (Page 26)  
 Federal Operating Permit Program

Date: 02/03/2007	RN No.: RN100211317	Permit No.: 1610
Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

**X. TITLE 40 CODE OF FEDERAL REGULATIONS PART 82 (40 CFR PART 82) - PROTECTION OF STRATOSPHERIC OZONE (continued)**

H. Subpart H -Halon Emissions Reduction	YES	NO	N/A
<input type="checkbox"/> 1. Testing, servicing, maintaining, repairing, or disposing of equipment containing halons is conducted in the application area.		X	
<input type="checkbox"/> 2. Disposal of halons or manufacturing of halon blends is conducted in the application area.		X	

**XI. MISCELLANEOUS**

A. Requirements Reference Tables (RRT) and Flowcharts	YES	NO	N/A
<input type="checkbox"/> 1. The application area contains units that are potentially subject to a regulation for which the TCEQ has not developed an RRT and flowchart.		X	

B. Forms	YES	NO	N/A
<input type="checkbox"/> 1. The application area contains units that are potentially subject to a regulation for which the TCEQ has not developed a unit attribute form. <i>If the response to Question XI.B.1 is "NO" or "N/A", go to Section XI.C.</i>		X	
<input type="checkbox"/> 2. Provide the Part and Subpart designation for the federal rule(s) or the Chapter, Subchapter and Division designation for the State regulation(s) in the space provided below.			

C. Emission Limitation Certifications	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes units for which federally enforceable emission limitations have been established by certification.	X		

D. Alternative Means of Control, Alternative Emission Limitation or Standard, or Equivalent Requirements	YES	NO	N/A
<input type="checkbox"/> 1. The application area is located at a <u>site</u> that is subject to a site specific requirement of the state implementation plan (SIP).		X	
<input type="checkbox"/> 2. The application area includes <u>units</u> located at the site that are subject to a site specific requirement of the SIP.		X	
<input type="checkbox"/> 3. The application area includes units which demonstrate compliance by using an alternative means of control, alternative emission limitation or standard, or equivalent requirements approved by the EPA Administrator.		X	

E. Title IV - Acid Rain Program	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes emission units subject to the Acid Rain Program (ARP), including the Opt-In Program. <i>If the response to Question XI.E.1 is "NO," go to Section XI.F.</i>		X	
<input type="checkbox"/> 2. A separate Acid Rain permit has been issued for all Acid Rain program requirements for the application area.			

F. Permit Shield (SOP Applicants only)	YES	NO	N/A
<input type="checkbox"/> 1. A permit shield for negative applicability entries on Form OP-REQ2 (Negative Applicable Requirement Determinations) is being requested or already exists in the permit.	X		
<input type="checkbox"/> 2. A permit shield for a pre-determined stringency determination is being requested or already exists in the permit.		X	

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**Texas Commission on Environmental Quality**  
**Application Area-Wide Applicability Determination and General Information**  
**Form OP-REQ1 (Page 27)**  
**Federal Operating Permit Program**

Date: 02/03/2007	RN No.: RN100211317	Permit No.: 1610
Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

<b>XI. MISCELLANEOUS (continued)</b>			
<b>G. GOP Type (Complete this section for GOP applications only)</b>			
	YES	NO	N/A
<input type="checkbox"/> 1. The application area is applying for initial issuance, revision, or renewal of an oil and gas general operating permit under 511 - Oil and Gas General Operating Permit for Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties.			
<input type="checkbox"/> 2. The application area is applying for initial issuance, revision, or renewal of an oil and gas general operating permit under 512 - Oil and Gas General Operating Permit for Gregg, Nueces, and Victoria Counties.			
<input type="checkbox"/> 3. The application area is applying for initial issuance, revision, or renewal of an oil and gas general operating permit under 513 - Oil and Gas General Operating Permit for Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties.			
<input type="checkbox"/> 4. The application area is applying for initial issuance, revision, or renewal of an oil and gas general operating permit under 514 - Oil and Gas General Operating Permit for All Texas Counties Except Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, San Patricio, Tarrant, Travis, Victoria, and Waller County.			
<input type="checkbox"/> 5. The application area is applying for initial issuance, revision, or renewal of a solid waste landfill general operating permit under 517 Municipal Solid Waste Landfill general operating permit.			
<b>H. Title 30 TAC Chapter 101, Subchapter H</b>			
	YES	NO	N/A
<input type="checkbox"/> 1. The application area is located in an ozone nonattainment area. <i>If the response to this question is "NO," go to question XI.H.3.</i>	X		
<input type="checkbox"/> 2. The applicant has or will generate emission reductions to be credited in the TCEQ Emissions Banking and Trading Program.		X	
<input type="checkbox"/> 3. The applicant has or will generate discrete emission reductions to be credited in the TCEQ Emissions Banking and Trading Program.		X	
<input type="checkbox"/> 4. The application area is located at a site in the Houston/Galveston nonattainment area where the facilities have a collective uncontrolled design capacity to emit 10 tpy or more of NOx.	X		
<input type="checkbox"/> 5. The application area includes an electric generating facility permitted under 30 TAC Chapter 116, Subchapter I.		X	
<input type="checkbox"/> 6. The application area is located at a site in the Houston/Galveston nonattainment area and the <u>site</u> has a potential to emit more than 10 tpy of highly-reactive volatile organic compounds (HRVOC) from facilities covered under 30 TAC Chapter 115, Subchapter H, Divisions 1 and 2.		X	
<input type="checkbox"/> 7. The application area is located at a site in the Houston/Galveston nonattainment area, the <u>site</u> has a potential to emit 10 tpy or less of HRVOC from covered facilities and the applicant is opting to comply with the requirements of 30 TAC Chapter 101, Subchapter H, Division 6, Highly Reactive VOC Emissions Cap and Trade Program.		X	
<b>I. Periodic Monitoring</b>			
	YES	NO	N/A
<input type="checkbox"/> 1. The applicant or permit holder is submitting or has previously submitted at least one periodic monitoring proposal described on Form OP-MON.		X	
<b>J. Compliance Assurance Monitoring</b>			
	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes at least one unit with a pre-control device potential to emit greater than or equal to the amount in tons per year required in a site classified as a major source. <i>If the response to this question is "NO," go to Section XII.</i>		X	

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**Application Area-Wide Applicability Determination and General Information**  
**Form OP-REQ1 (Page 28)**  
**Federal Operating Permit Program**

Date: 02/03/2007	RN No.: RN100211317	Permit No.: 1610
Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

<b>XI. MISCELLANEOUS (continued)</b>			
<b>J. Compliance Assurance Monitoring</b>	YES	NO	N/A
<input type="checkbox"/> 2. The unit or units defined by XI.J.1 are using a control device to comply with an applicable requirement. <i>If the response to this question is "NO," go to Section XII.</i>			
<input type="checkbox"/> 3. The permit holder has submitted a CAM proposal on Form OP-MON in a previous application.			
<input type="checkbox"/> 4. The owner/operator or permit holder is submitting a CAM proposal on Form OP-MON according to the deadlines for submittals in 40 CFR § 64.5 in this application.			
<input type="checkbox"/> 5. The owner/operator or permit holder is submitting a CAM implementation plan and schedule to be incorporated as enforceable conditions in the permit.			
<input type="checkbox"/> 6. Provide the unit identification numbers for the units for which the applicant is submitting a CAM implementation plan and schedule in the space below.			
<input type="checkbox"/> 7. At least one unit defined by XI.J.1. and XI.J.2. is using a CEMS, COMS or PEMS meeting the requirements of 40 CFR § 64.3(d)(2).			
<input type="checkbox"/> 8. All units defined by XI.J.1. and XI.J.2. are using a CEMS, COMS or PEMS meeting the requirements of 40 CFR § 64.3(d)(2). <i>If the response to this question is "YES," go to Section XII.</i>			
<input type="checkbox"/> 9. The CAM proposal as described by question XI.J.3. or XI.J.4. addresses particulate matter or opacity.			
<input type="checkbox"/> 10. The CAM proposal as described by question XI.J.3. or XI.J.4. addresses VOC.			
<input type="checkbox"/> 11. The control device in the CAM proposal as described by question XI.J.3. or XI.J.4. has a bypass.			
<b>XII. NEW SOURCE REVIEW (NSR) AUTHORIZATIONS (Attach additional sheets if necessary)</b>			
<b>A. Waste Permits with Air Addendum</b>	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes a Municipal Solid Waste Permit or an Industrial Hazardous Waste with an Air Addendum. <i>Note: If the answer to XII.A.1. is "YES," include the waste permit numbers in Section XII.J.</i>		X	
<b>B. Air Quality Standard Permits</b>	YES	NO	N/A
<input type="checkbox"/> 1. The application area includes at least one Air Quality Standard Permit NSR authorization. <i>If the response to XII.B.1 is "NO," go to Section XI.C. If the response to XII.B.1 is "YES," be sure to include the standard permit's registration numbers in Section XII.H, and answer XII.B.2 - B.11 as appropriate.</i>		X	
<input type="checkbox"/> 2. The application area includes at least one "Pollution Control Project" Air Quality Standard Permit NSR authorization.			
<input type="checkbox"/> 3. The application area includes at least one "Modification of Oil and Gas Facilities" Air Quality Standard Permit NSR authorization.			
<input type="checkbox"/> 4. The application area includes at least one "Municipal Solid Waste Landfill" Air Quality Standard Permit NSR authorization under 30 TAC § 116.621.			
<input type="checkbox"/> 5. The application area includes at least one "Municipal Solid Waste Landfill Facilities and Transfer Stations" Standard Permit authorization under 30 TAC Chapter 330, Subchapter U.			
<input type="checkbox"/> 6. The application area includes at least one "Concrete Batch Plant" Air Quality Standard Permit NSR authorization.			
<input type="checkbox"/> 7. The application area includes at least one "Concrete Batch Plant with Enhanced Controls" Air Quality Standard Permit NSR authorization.			

*PCS*



**Texas Commission on Environmental Quality**  
**Application Area-Wide Applicability Determination and General Information**  
**Form OP-REQ1 (Page 29)**  
**Federal Operating Permit Program**

Date: 02/03/2007	RN No.: RN100211317	Permit No.: 1610
Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

<b>XII. NEW SOURCE REVIEW (NSR) AUTHORIZATIONS (Attach additional sheets if necessary)</b>			
<b>B. Air Quality Standard Permits</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<input type="checkbox"/> 8. The application area includes at least one "Hot Mix Asphalt Plant" Air Quality Standard Permit NSR authorization.			
<input type="checkbox"/> 9. The application area includes at least one "Rock Crusher" Air Quality Standard Permit NSR authorization.			
<input type="checkbox"/> 10. The application area includes at least one "Electric Generating Unit" Air Quality Standard Permit NSR authorization. <i>If the response to XII.B.9 is "NO," go to Section XI.C.</i>			
<input type="checkbox"/> 11. For purposes of "Electric Generating Unit" Air Quality Standard Permit, the application area is located in the East Texas Region.			
<input type="checkbox"/> 12. For purposes of "Electric Generating Unit" Air Quality Standard Permit, the application area is located in the West Texas Region.			
<b>C. Flexible Permits</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<input type="checkbox"/> 1. The application area includes at least one Flexible Permit NSR authorization.		<b>X</b>	
<b>D. Multiple Plant Permits</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<input type="checkbox"/> 1. The application area includes at least one Multi-Plant NSR Permit NSR authorization.		<b>X</b>	

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**Texas Commission on Environmental Quality**  
**Application Area-Wide Applicability Determination and General Information**  
**Form OP-REQ1 (Page 30)**  
**Federal Operating Permit Program**

Date: 02/03/2007	RN No.: RN100211317	Permit No.: 1610
Area Name: Baytown Plant		

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**XII. NEW SOURCE REVIEW (NSR) AUTHORIZATIONS (Attach additional sheets if necessary)**

**II.E. PSD Permits and PSD Major Pollutants**

PSD Permit No.: PSD-TX-695	Pollutant(s)	SO2					
PSD Permit No.:	Pollutant(s)						
PSD Permit No.:	Pollutant(s)						
PSD Permit No.:	Pollutant(s)						

**II.F. Nonattainment (NA) Permits and NA Major Pollutants**

NA Permit No.:	Pollutant(s)						
NA Permit No.:	Pollutant(s)						
NA Permit No.:	Pollutant(s)						
NA Permit No.:	Pollutant(s)						

**II.G. NSR Authorizations with FCAA § 112(g) Requirements**

NSR Permit No.:	NSR Permit No.:
NSR Permit No.:	NSR Permit No.:
NSR Permit No.:	NSR Permit No.:

**II.H. Title 30 TAC Chapter 116 Permits, Special Permits, Standard Permits, Other Authorizations (Other Than Permits By Rule, PSD Permits, NA Permits) for the Application Area.**

Authorization No.: 9565	Authorization No.:
Authorization No.: 56534	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:

VB





**Texas Commission on Environmental Quality**  
**Application Area-Wide Applicability Determination and General Information**  
**Form OP-REQ1 (Page 31)**  
**Federal Operating Permit Program**

Date: 02/03/2007	RN No.: RN100211317	Permit No.: 1610
Area Name: Baytown Plant		

*For SOP applications, answer ALL questions unless otherwise directed.*

*For GOP applications, answer ONLY these questions unless otherwise directed.*

<b>XII. PRECONSTRUCTION AUTHORIZATIONS (continued) (Attach additional sheets if necessary)</b>	
<b>II. Permits by Rule (30 TAC Chapter 106) for the Application Area</b>	
<i>Note: A list of selected Permits by Rule (previously referred to as standard exemptions) that are required to be listed in the FOP application is available in the instructions.</i>	
PBR No.: 106.371	Version No./Date: 03/14/1997
PBR No.: 106.472	Version No./Date: 03/14/1997
PBR No.: 106.478	Version No./Date: 03/14/1997
PBR No.: SE007	Version No./Date: 08/11/1989
PBR No.: 106.261	Version No./Date: 11/01/2003
PBR No.: 106.262	Version No./Date: 09/04/2000
PBR No.:	Version No./Date:
PBR No.:	Version No./Date:
PBR No.:	Version No./Date:
PBR No.:	Version No./Date:
PBR No.:	Version No./Date:
PBR No.:	Version No./Date:
PBR No.:	Version No./Date:
<b>III. Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum</b>	
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:

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Air & Waste Applications



**Storage Tank/Vessel Attributes  
Form OP-UA3 (Page 4)  
Federal Operating Permit Program**

**Table 4: Title 30 Texas Administrative Code Chapter 115 (30 TAC Chapter 115)  
Subchapter B: Storage of Volatile Organic Compounds (VOCs)**

<b>Date:</b> 05/31/2007	<b>Permit No.:</b> O-01610	<b>Regulated Entity No.:</b> RN100211317
<b>Area Name:</b> Baytown Plant		<b>Customer Reference No.:</b> CN600125330

Unit ID No.	SOP/GOP Index No.	Alternate Control Requirement	ACR ID No.	Product Stored	Storage Capacity	Construction Date	Tank Description	True Vapor Pressure	Primary Seal	Secondary Seal	Control Device Type	Control Device ID No.
T-6	R5112-0001	NO		VOC1	A40K+		VRS1	1.5+A			VDU	
T-6	R5112-0004	NO		VOC1	A40K+		VRS1	1.5+A			VRU	



**Applicable Requirements Summary  
Form OP-REQ3 (Page 1)  
Federal Operating Permit Program**

**Table 1a: Additions**

<b>Date:</b> 2/3/2007	<b>Account No.:</b> HG-0696-Q	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant		

Revision No.	Unit/Group/Process		SOP/GOP Index No.	Pollutant	Applicable Regulatory Requirement		
	ID No.	Applicable Form			Name	Standard(s)	Version Code
8	T-16	OP-UA3	R5112-0004	VOC	Chapter 115	§115.112(a)(1) §115.112(a)(3)	

[TCEQ-10018] [Revised 10/04] OP-REQ3 - Applicable Requirements Summary  
This form is for use by sources subject to air quality permit requirements and may be revised periodically. [APDGS124v4]

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Air & Waste Applications



**Storage Tank/Vessel Attributes  
Form OP-UA3 (Page 4)  
Federal Operating Permit Program**

**Table 4: Title 30 Texas Administrative Code Chapter 115 (30 TAC Chapter 115)  
Subchapter B: Storage of Volatile Organic Compounds (VOCs)**

<b>Date:</b> 02-03-2007	<b>Permit No.:</b> O-01610	<b>Regulated Entity No.:</b> RN100211317
<b>Area Name:</b> Baytown Plant		<b>Customer Reference No.:</b> CN600125330

Unit ID No.	SOP/GOP Index No.	Alternate Control Requirement	ACR ID No.	Product Stored	Storage Capacity	Construction Date	Tank Description	True Vapor Pressure	Primary Seal	Secondary Seal	Control Device Type	Control Device ID No.
T-16	R5112-0004 <del>R5112-0002</del>	NO		VOC1	A40K+		VRS1	1.5+A			VDU	

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**Form OP-REQ2  
Negative Applicable Requirement Determinations  
Federal Operating Permit Program**

<b>Date:</b> 02/03/07	<b>Account No.:</b> HG-0696-Q	<b>Permit No.:</b> O-01610
<b>Area Name:</b> Baytown Plant		

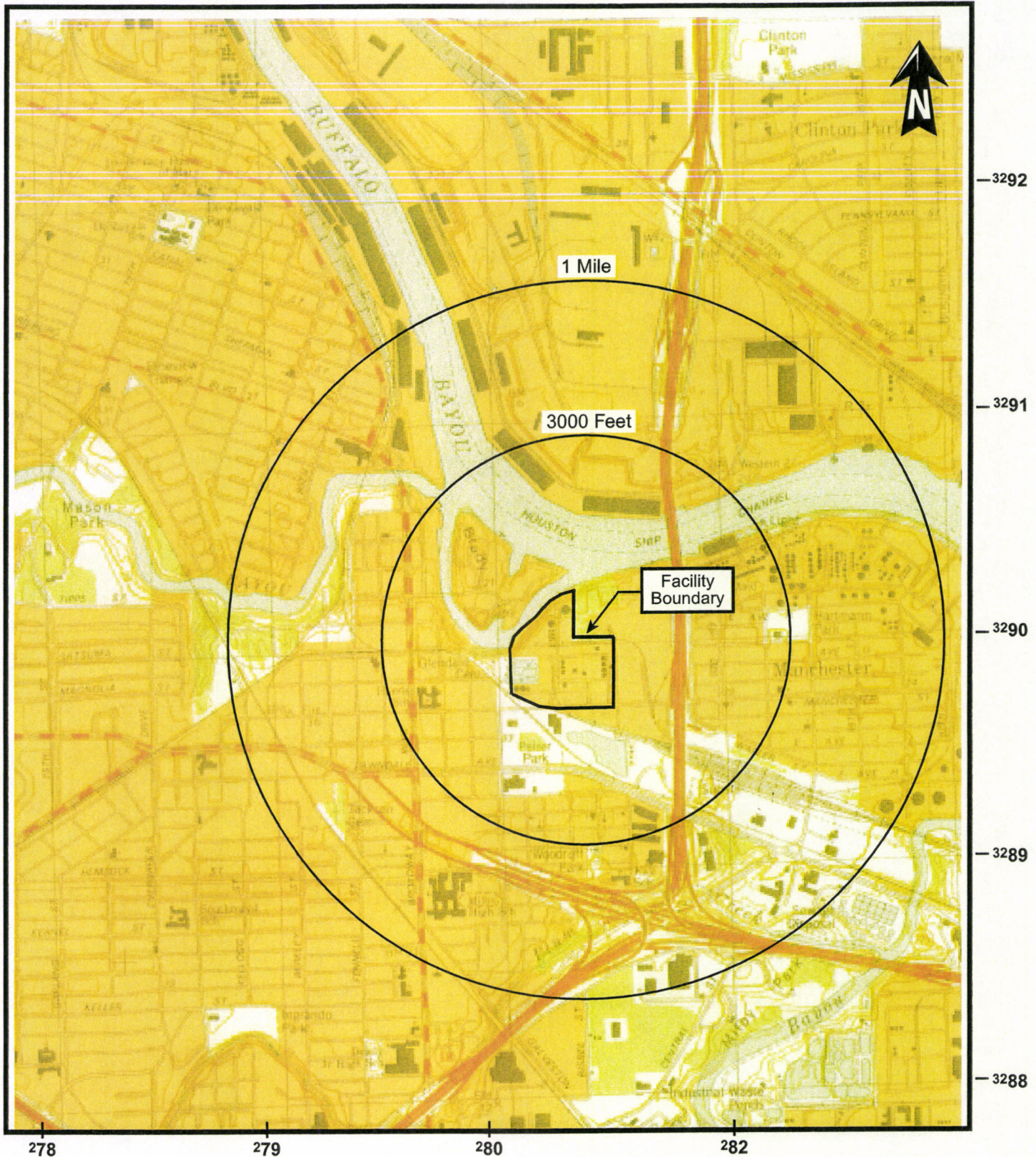
Addition or Deletion	Revision No.	Unit/Group/Process		Potentially Applicable Regulatory Name	Negative Applicability Citation	Negative Applicability Reason
		ID No.	Applicable Form			
D	8	T-16	OP-UA3	Chapter 115	§ 115.117(a)(1)	Tank true vapor pressure (TVP) is less than 1.5 psia.

VB

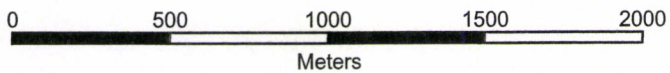
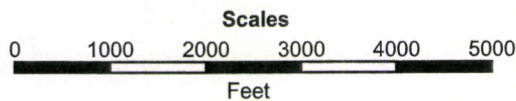
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Air & Waste Applications



Rhodia, Inc. - Houston Plant  
Area Map



Edge markings in UTM coordinates (Zone 15).



Trinity  
Consultants

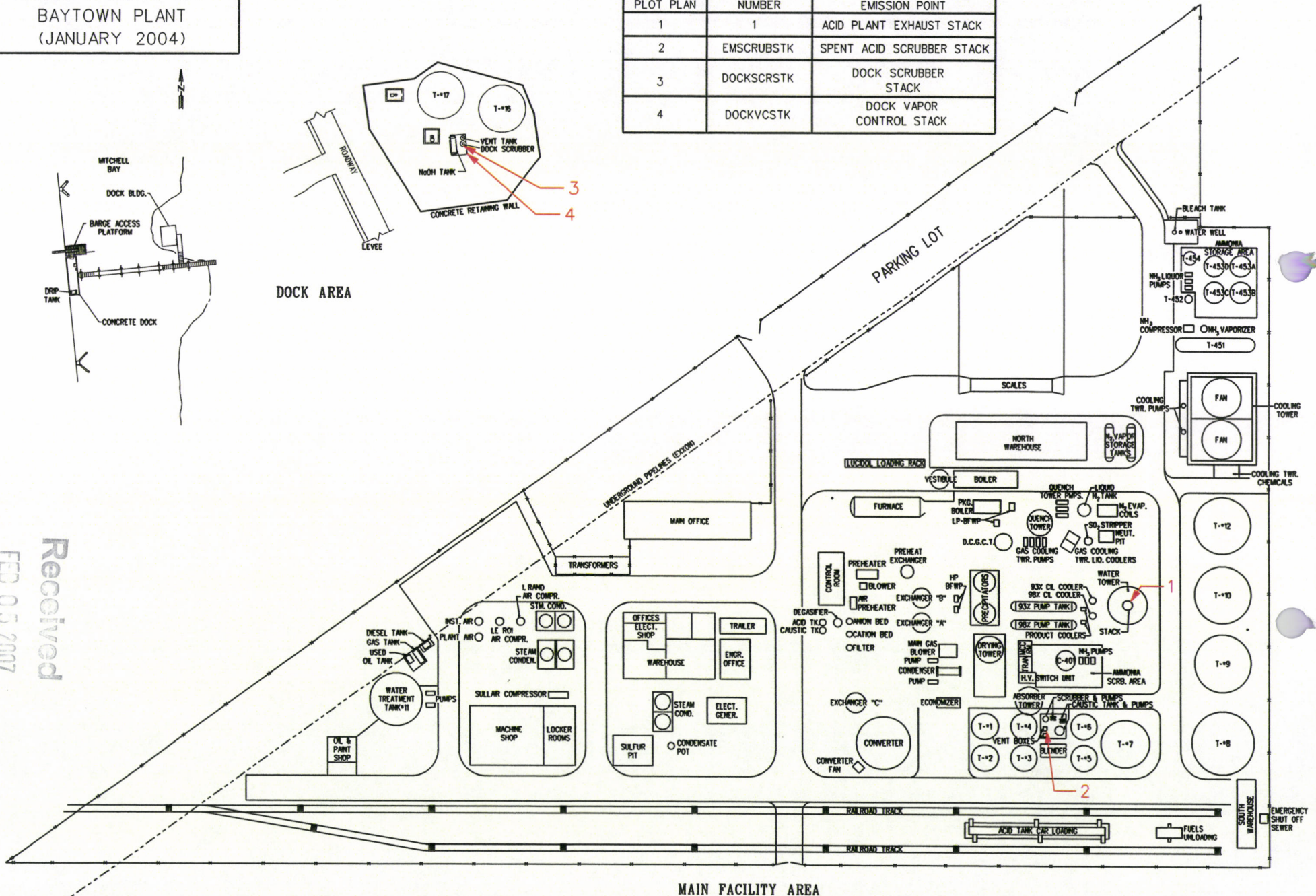
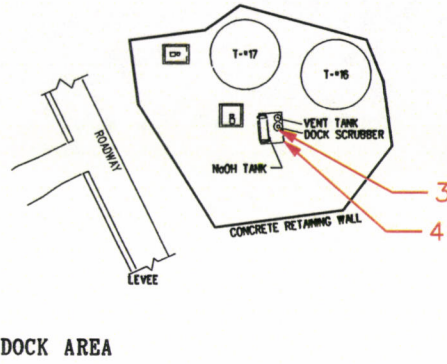
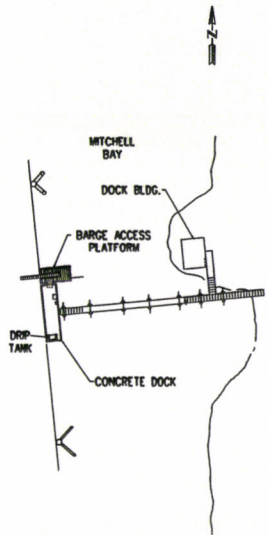
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Park Place Quadrangle

FEB 05 2007

Air & Waste Applications

RHODIA FACILITY MAP  
BAYTOWN PLANT  
(JANUARY 2004)

NUMBER ON PLOT PLAN	EMISSION POINT NUMBER	NAME OF EMISSION POINT
1	1	ACID PLANT EXHAUST STACK
2	EMSCRUBSTK	SPENT ACID SCRUBBER STACK
3	DOCKSCRSTK	DOCK SCRUBBER STACK
4	DOCKVCSTK	DOCK VAPOR CONTROL STACK



Air & Water Applications

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## PROCESS DESCRIPTION

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### SPENT ACID REGENERATION (PRO-REGEN)

The unit is designed to produce fresh sulfuric acid from a blend of refinery or chemical plant spent sulfuric acids or "sludges". Hydrogen sulfide gas and natural gas are burned to maintain proper operating parameters and sulfur dioxide (SO<sub>2</sub>) strengths. The sludge and sulfur are sprayed into a combustion furnace where the hydrocarbons and sulfur are burned and the spent sulfuric acid is decomposed. The combustion gases exit the furnace and pass through a boiler for heat recovery and then passed through gas cleaning, cooling, and mist removal equipment. This equipment consists of a scrubbing tower, a direct contact gas cooler, two electrostatic precipitators, and a drying tower.

The gases are next sent through a catalytic converter. In the converter the gas passes over multiple beds of catalyst, where the SO<sub>2</sub> gas is converted to sulfur trioxide (SO<sub>3</sub>) gas. From the converter the gas passes through an economizer where more heat is recovered and finally sent to an absorbing tower.

In the absorbing tower the SO<sub>3</sub> reacts with water to form sulfuric acid. Sulfur trioxide is absorbed from the gas by concentrated sulfuric acid that circulates in the tower. This increases the strength of the acid. Water is added to the acid in a pump tank to return the acid to the desired strength.

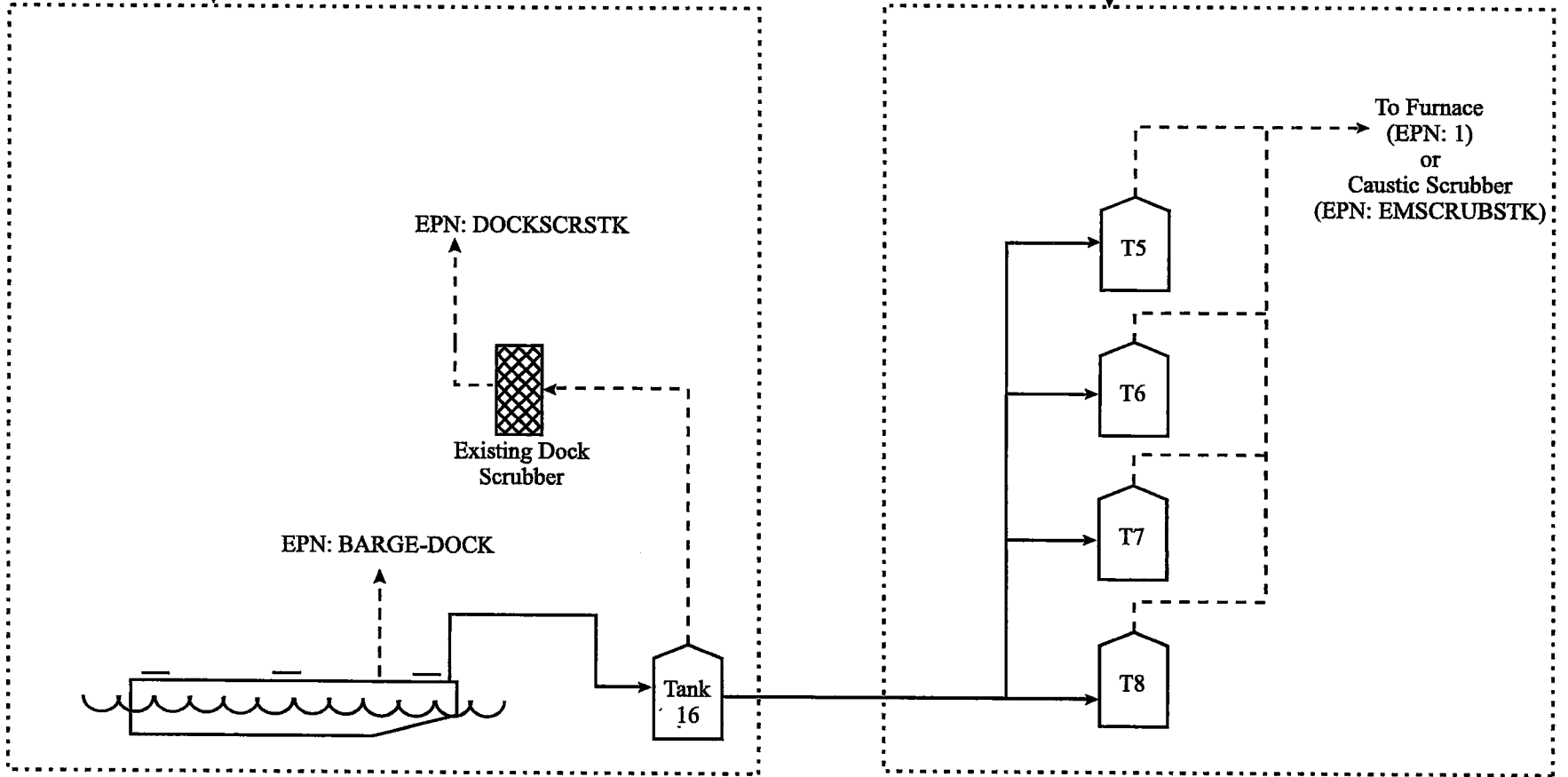
The gas that exits from the absorbing tower is passed through a mist removal element where any entrained acid (or acid mist) from the absorbing tower is removed. The final gas stream enters an ammonia scrubber that reduces the concentration of unconverted sulfur dioxide gas. The tail gas is then exhausted to the stack.

### UTILITIES

A number of miscellaneous emission sources are in place to maintain the facility's normal operations. Rhodia operates a cooling tower at the Baytown Plant. During periods of plant startup and shutdown, plant steam is generated by a package boiler. A small gas tank is maintained to supply fuel to on-site motor vehicles. The plant also maintains a used oil tank.

FUG-BARGE

FUG-TANKS



To Furnace  
(EPN: 1)  
or  
Caustic Scrubber  
(EPN: EMSCRUBSTK)

EPN: DOCKSCRSTK

Existing Dock  
Scrubber

EPN: BARGE-DOCK

Tank  
16

T5

T6

T7

T8

**Rhodia Inc.**

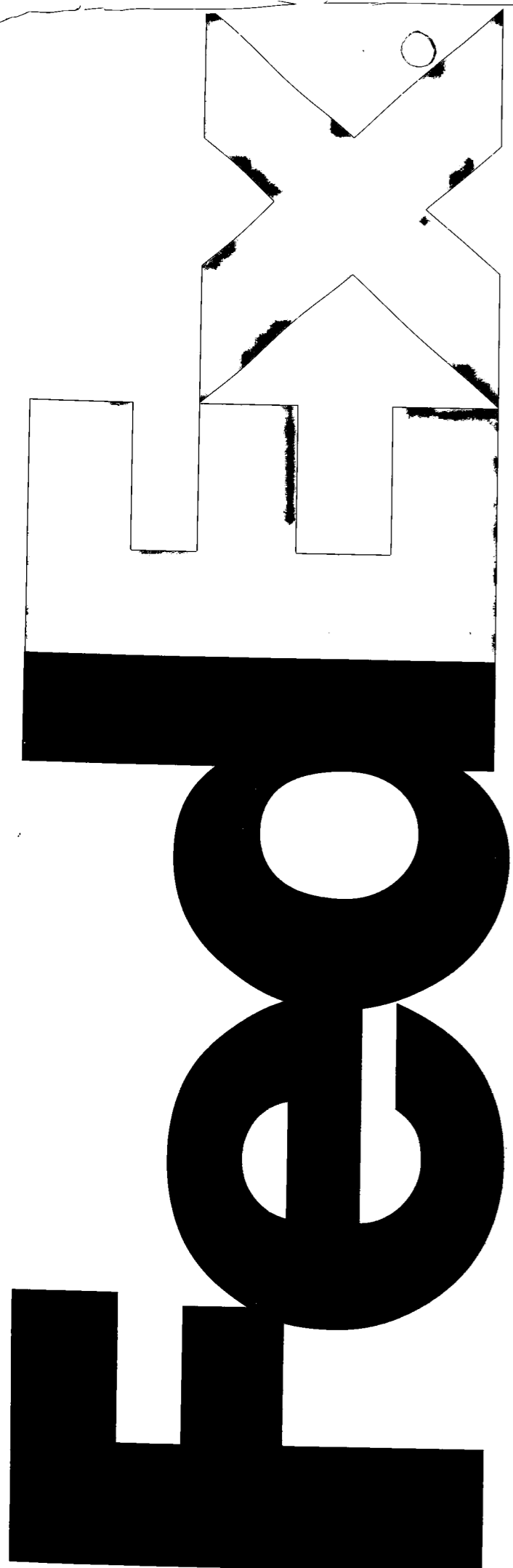
Baytown Facility  
Process Flow Diagram

Trinity  
Consultants

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Air & Water Pollution  
Control

Align top of FedEx PowerShip Label or Astra Label here.



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Account#: S \*\*\*\*\*

Delivery Address Bar Code



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Invoice #  
PO #  
Dept #

SHIP TO: (512)239-5718 **BILL SENDER**  
**Office of Permitting, Remediation R**  
**TCEQ - Air Permits Division**  
**12100 Park 35 Circle**  
**MC 163, Building C, Second Floor**  
**Austin, TX 78753**

**STANDARD OVERNIGHT**

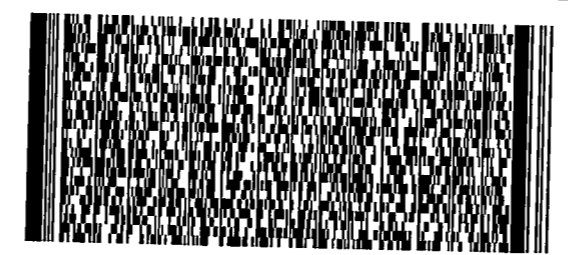
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TRK# 7912 2401 7138 FORM 0201

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# FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO

Rhodia, Inc.

AUTHORIZING THE OPERATION OF

Baytown Plant  
Industrial Inorganic Chemicals

LOCATED AT

Harris County, Texas

LATITUDE 29° 44' 51" LONGITUDE 095° 00' 07"

Regulated Entity Number: RN100211317

This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site and emission units listed in this permit. Operation of the site and emission units listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.

This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site and emission units authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site and emission units.

Permit No: O1610 Issuance Date: January 25, 2008



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For the Commission

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## **GENERAL TERMS AND CONDITIONS**

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit shall be forwarded to the TCEQ Central Office and to the TCEQ Regional Office for your site. Reports submitted must include a cover letter which identifies the following information: company name, TCEQ regulated entity number, site name, area name (if applicable), and Air Permits Division permit number.

## **SPECIAL TERMS AND CONDITIONS:**

### **Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting:**

1. Permit holder shall comply with the following requirements:
  - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
  - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
  - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.

- D. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC § 117.303 applies to the following units: 1 and PREHTRSTK.
- E. The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Subchapter B, Division 3. Title 30 TAC §§ 117.300, 117.310, 117.335, 117.340, 117.345, 117.350, and 117.354 apply to the following unit: PKGBOILSTK
- F. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 3 (Mass Emission Cap and Trade Program) Requirements:
- (i) Title 30 TAC § 101.352 (relating to General Provisions)
  - (ii) Title 30 TAC § 101.353 (relating to Allocation of Allowances)
  - (iii) Title 30 TAC § 101.354 (relating to Allowance Deductions)
  - (iv) Title 30 TAC § 101.356 (relating to Allowance Banking and Trading)
  - (v) Title 30 TAC § 101.358 (relating to Emission Monitoring and Compliance Demonstration)
  - (vi) Title 30 TAC § 101.359 (relating to Reporting)
  - (vii) Title 30 TAC § 101.360 (relating to Level of Activity Certification)
  - (viii) The terms and conditions by which the emission limits are established to meet or exceed the cap are applicable requirements of this permit
- G. The permit holder shall comply with the following 30 TAC Chapter 101, Subchapter H, Division 6 (Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program) requirements:
- (i) Title 30 TAC § 101.392 (relating to Exemptions)
  - (ii) Title 30 TAC § 101.401 (relating to Level of Activity Certification)
2. Permit holder shall comply with the requirements in the Prevention of Significant Deterioration (PSD) Permit Number PSD-TX-695M2 for the following pollutants: SO<sub>2</sub>.
3. The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):

- A. Title 30 TAC § 101.1 (relating to Definitions), insofar as the terms defined in this section are used to define the terms used in other applicable requirements
  - B. Title 30 TAC § 101.3 (relating to Circumvention)
  - C. Title 30 TAC § 101.8 (relating to Sampling), if such action has been requested by the TCEQ
  - D. Title 30 TAC § 101.9 (relating to Sampling Ports), if such action has been requested by the TCEQ
  - E. Title 30 TAC § 101.10 (relating to Emissions Inventory Requirements)
  - F. Title 30 TAC § 101.201 (relating to Emission Event Reporting and Recordkeeping Requirements)
  - G. Title 30 TAC § 101.211 (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements)
  - H. Title 30 TAC § 101.221 (relating to Operational Requirements)
  - I. Title 30 TAC § 101.222 (relating to Demonstrations)
  - J. Title 30 TAC § 101.223 (relating to Actions to Reduce Excessive Emissions)
4. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
- A. For stationary vents with a flow rate of less than 100,000 actual cubic feet per minute and constructed on or before January 31, 1972, that are not listed in the Applicable Requirements Summary attachment, the permit holder shall comply with the following requirements:
    - (i) Title 30 TAC § 111.111(a)(1)(A) (relating to Requirements for Specified Sources)
    - (ii) Title 30 TAC § 111.111(a)(1)(E)
    - (iii) Title 30 TAC §§ 111.111(a)(1)(F)(i), (ii), (iii), or (iv)
    - (iv) For emission units with vent emissions subject to 30 TAC § 111.111(a)(1)(A), complying with 30 TAC §§ 111.111(a)(1)(F)(ii), (iii), or (iv), and capable of producing visible emissions from (but not limited to) particulate matter, acid gases, and NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. These periodic monitoring requirements do not apply to vents that do not emit visible



emissions such as vents that emit only VOC or vents that provide passive ventilation, such as plumbing vents; or vents that are subject to the emission limitations of 30 TAC § 111.111(a)(1)(A) and Compliance Assurance Monitoring as specified in the attached Applicable Requirements Summary and "Additional Monitoring Requirements:"

1. An observation of stationary vents from emission units in operation shall be conducted at least once during each calendar quarter unless the emission unit is not operating for the entire quarter.
2. For stationary vents from a combustion source, if an alternative to the normally fired fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are present. If such period is greater than three months, observations shall be conducted once during each quarter. Supplementing the normally fired fuel with natural gas or fuel gas to increase the net heating value to the minimum required value does not constitute creation of an alternative fuel.
3. Records of all observations shall be maintained.
4. Visible emissions observations of emission units operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of emission units operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions observations shall be made during times when the activities described in 30 TAC § 111.111(a)(1)(E) are not taking place. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.

5. Compliance Certification:

- (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC §§ 111.111(a)(1) and (a)(1)(A).
  - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.
  - (c) Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.
- B. Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.
- C. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).
- D. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
- (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits)
  - (ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in 30 TAC § 111.151(b)

(iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c)

5. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
  - A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping)
  - B. Title 40 CFR § 60.8 (relating to Performance Tests)
  - C. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements)
  - D. Title 40 CFR § 60.12 (relating to Circumvention)
  - E. Title 40 CFR § 60.13 (relating to Monitoring Requirements)
  - F. Title 40 CFR § 60.14 (relating to Modification)
  - G. Title 40 CFR § 60.15 (relating to Reconstruction)
  - H. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements)
6. The permit holder shall comply with certified registrations submitted to the TCEQ for purposes of establishing federally enforceable emission limits. A copy of the certified registration shall be maintained with the permit. Records sufficient to demonstrate compliance with the established limits shall be maintained. The certified registration and records demonstrating compliance shall be provided, on request, to representatives of the appropriate TCEQ regional office and any local air pollution control agency having jurisdiction over the site. The permit holder shall submit updated certified registrations when changes at the site require establishment of new emission limits. If changes result in emissions that do not remain below major source thresholds, the permit holder shall submit a revision application to codify the appropriate requirements in the permit.

#### **Additional Monitoring Requirements**

7. The permit holder shall comply with the periodic monitoring requirements as specified in the attached "Periodic Monitoring Summary" upon issuance of the permit. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality-assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permit holder shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "Periodic

Monitoring Summary,” for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall data be collected and used in particular instances to avoid reporting deviations. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).

### **New Source Review Authorization Requirements**

8. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule, standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
  - A. Are incorporated by reference into this permit as applicable requirements
  - B. Shall be located with this operating permit
  - C. Are not eligible for a permit shield
9. The permit holder shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.

### **Compliance Requirements**

10. The permit holder shall certify compliance with all permit terms and conditions using, at a minimum (but not limited to) the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.
11. The permit holder shall adhere to the provisions in the Compliance Schedule attachment of this permit and submit certified progress reports consistent with the schedule established under 30 TAC § 122.132(e)(4)(C) and including the information specified in 30 TAC § 122.142(e)(2). Those emission units listed in the Compliance Schedule attachment shall adhere with the requirements in the Compliance Schedule attachment until operating fully in compliance with the applicable requirements.
12. Permit holder shall comply with the following 30 TAC Chapter 117 requirement:
  - A. The permit holder shall comply with the compliance schedules and submit written notification to the TCEQ Executive Director as required in 30 TAC Chapter 117, Subchapter H, Division 1:

(i) For sources in the Houston-Galveston Nonattainment area, 30 TAC § 117.9020:

(1) Title 30 TAC §§ 117.9020(2)(A), (C), and (D)

B. The permit holder shall comply with the Initial Control Plan unit listing requirement in 30 TAC §§ 117.350(c) and (c)(1).

13. Use of Emission Credits to Comply with Applicable Requirements:

A. Unless otherwise prohibited, the permit holder may use emission credits to comply with the following applicable requirements listed elsewhere in this permit:

(i) Title 30 TAC Chapter 115

(ii) Title 30 TAC Chapter 117

(iii) Offsets for Title 30 TAC Chapter 116

B. The permit holder shall comply with the following requirements in order to use the emission credits to comply with the applicable requirements:

(i) The permit holder must notify the TCEQ according to 30 TAC § 101.306(c)(2)

(ii) The emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 1

(iii) The executive director has approved the use of the credit according to 30 TAC § 101.306(c)(2)

(iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.302(g) and 30 TAC Chapter 122

14. Use of Discrete Emission Credits to Comply with Applicable Requirements:

A. Unless otherwise prohibited, the permit holder may use discrete emission credits to comply with the following applicable requirements listed elsewhere in this permit:

(i) Title 30 TAC Chapter 115

(ii) Title 30 TAC Chapter 117

(iii) If applicable, offsets for Title 30 TAC Chapter 116

- (iv) Temporarily exceed state NSR permit allowables
- B. The permit holder shall comply with the following requirements in order to use the credit to comply with the applicable requirements:
- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.376(d)
  - (ii) The discrete emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 4
  - (iii) The executive director has approved the use of the discrete emission credits according to 30 TAC § 101.376(d)(1)(A)
  - (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.372(h) and 30 TAC Chapter 122

### **Risk Management Plan**

15. For processes subject to 40 CFR Part 68 and specified in 40 CFR § 68.10, the permit holder shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR Part 68. The permit holder shall submit to the appropriate agency either a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR § 68.10(a), or as part of the compliance certification submitted under this permit, a certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of a risk management plan.

### **Permit Location**

16. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

### **Permit Shield (30 TAC § 122.148)**

17. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

## **ATTACHMENTS**

**Applicable Requirements Summary**

**Additional Monitoring Requirements**

**Permit Shield**

**New Source Review Authorization References**

**Schedules**

**APPLICABLE REQUIREMENTS SUMMARY**

**Unit Summary ..... 12**

**Applicable Requirements Summary ..... 14**

Note: A “none” entry may be noted for some emission sources in this permit’s “Applicable Requirements Summary” under the heading of “Monitoring and Testing Requirements” and/or “Recordkeeping Requirements” and/or “Reporting Requirements.” Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Recordkeeping Terms and Conditions (30 TAC § 122.144), Reporting Terms and Conditions (30 TAC § 122.145), and Compliance Certification Terms and Conditions (30 TAC § 122.146) continue to apply.



### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0001	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP LESS THAN 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS), DAILY THROUGHPUT = NO VALUE
BARGE-DOCK	LOADING/UNLOADING OPERATIONS	N/A	R5211-0002	30 TAC Chapter 115, Loading and Unloading of VOC	TRUE VAPOR PRESSURE = TVP GREATER THAN OR EQUAL TO 0.5 PSIA (BEAUMONT/PORT ARTHUR DALLAS/FORT WORTH EL PASO HOUSTON/GALVESTON AREAS)
PKGBOILSTK	PACKAGE BOILER	N/A	R7ICI-0001	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	R7ICI-0002	30 TAC Chapter 117, Commercial	No changing attributes.
1	PROCESS HEATERS/FURNACES	N/A	PSD	Prevention of Significant Deterioration	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
1	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.

### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRPACIDTNK	STORAGE TANKS/VESSELS	T-5, T-6, T-7, T-8	R5112-0001	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
T-16	STORAGE TANKS/VESSELS	N/A	R5112-0004	30 TAC Chapter 115, Storage of VOCs	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	REG2-002	30 TAC Chapter 112, Sulfur Compounds	No changing attributes.
PRO-REGEN	SULFURIC ACID PRODUCTIONS ATTRIBUTES	N/A	60H-001	40 CFR Part 60, Subpart H	No changing attributes.

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
BARGE-DOCK	EU	R5211-0001	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(1) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Vapor pressure (at land-based operations). All land-based loading and unloading of VOC with a true vapor pressure less than 0.5 psia is exempt from the requirements of this division, except as specified.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B)	None
BARGE-DOCK	EU	R5211-0002	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(2)(A) § 115.212(a)(2) [G]§ 115.212(a)(7) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Any plant, excluding gasoline bulk plants, which loads less than 20,000 gpd of VOC with a true vapor pressure of 0.5 psia or greater is exempt from the requirements of this division, except for the specified requirements.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B) § 115.216(3)(D)	None
PKGBOILSTK	EU	R71CI-0001	NOX	30 TAC Chapter 117, Commercial	§117.300 §117.310 §117.335 §117.340 §117.345 §117.350 §117.354	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable monitoring and testing requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
1	EU	R71CI-0002	NOX	30 TAC Chapter 117, Commercial	§ 117.303	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	None	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition I.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
PREHTRSTK	EU	R71CI-0002	NOX	30 TAC Chapter 117, Commercial	§ 117.303	The permit holder shall comply with the applicable requirements of 30 TAC Chapter 117, Commercial	None	The permit holder shall comply with the applicable recordkeeping requirements of 30 TAC Chapter 117, Commercial	The permit holder shall comply with the applicable reporting requirements of 30 TAC Chapter 117, Commercial
1	EU	PSD	**	Prevention of Significant Deterioration	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2	PSD-TX-695M2
1	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c)	§ 112.2(c)	§ 112.2(b)
1	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b)(2)	Sulfuric acid plants or facilities used exclusively as SO2 control systems, chamber process plants, acid concentrators, or oleum storage and transfer facilities are exempt from this section.	None	None	None
1	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
1	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
1	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None
T-16	EU	R5112-0004	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5)	§ 115.116(a)(4) § 115.116(a)(5)	None
GRPACIDTNK	EU	R5112-0001	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.112(a)(1) § 115.112(a)(3)	Tanks shall not store VOC unless the required pressure is maintained, or they are equipped with the appropriate control device specified in Table I(a) or Table II(a).	[G]§ 115.115(a) § 115.116(a)(4) § 115.116(a)(5) **See Periodic Monitoring	§ 115.116(a)(4) § 115.116(a)(5)	None
PRO-REGEN	EU	REG2-002	SO2	30 TAC Chapter 112, Sulfur Compounds	§ 112.6(a)	Except as provided in §112.5 and in §112.14 no person may cause, suffer, allow, or permit emissions of SO2 from any sulfuric acid plant to exceed the emission limits set by the specified equation.	§ 112.2(a) § 112.6(c)	§ 112.2(c)	§ 112.2(b)

### Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
PRO-REGEN.	EU	REG2-002	H2SO4	30 TAC Chapter 112, Sulfur Compounds	§ 112.41(b) § 112.41(b)(1)	Sulfuric acid or oleum facilities may not permit emissions of H2SO4 mist to exceed 0.50 lb/ton (0.25 gram/kg) of 100% H2SO4 produced when burning specified compounds by the contact process.	§ 112.43(b) § 112.43(c) [G]§ 112.43(c)(1) [G]§ 112.43(c)(2) § 112.45(a)	[G]§ 112.45(b)	None
PRO-REGEN	PRO	60H-001	SO2	40 CFR Part 60, Subpart H	§ 60.82(a)	On and after the §60.8 performance test, no owner or operator shall discharge gases containing SO2 in excess of 2 kg per metric ton (4.0 lb per ton) of acid produced into the atmosphere.	§ 60.84(a) § 60.84(b) § 60.84(c) § 60.84(e) § 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	§ 60.84(e)
PRO-REGEN	PRO	60H-001	H2SO4	40 CFR Part 60, Subpart H	§ 60.83(a)(1)	No owner or operator shall discharge any gases containing acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton (0.15 lb per ton) of acid produced, the production being expressed as 100% H2SO4.	§ 60.85(a) § 60.85(b)(1) § 60.85(b)(2) § 60.85(b)(3)	None	None
PRO-REGEN	PRO	60H-001	PM (OPACITY)	40 CFR Part 60, Subpart H	§ 60.83(a)(2)	No owner or operator shall discharge any gases exhibiting 10% opacity, or greater.	§ 60.85(a) § 60.85(b)(4)	None	None

**ADDITIONAL MONITORING REQUIREMENTS**

**Periodic Monitoring Summary ..... 19**

### Periodic Monitoring Summary

UNIT/GROUP/PROCESS INFORMATION	
ID No.: GRPACIDTNK	Applicable Form: OP-UA03
Control Device ID No.: N/A	Control Device Type: N/A
APPLICABLE REGULATORY REQUIREMENT	
Name: 30 TAC Chapter 115, Storage of VOCs	SOP Index No.: R5112-0001
Pollutant: VOC	Main Standard: § 115.112(a)(1)
MONITORING INFORMATION	
Indicator: Combustion Temperature/ Exhaust Gas Temperature	
Minimum Frequency: once per week	
Averaging Period: n/a*	
Deviation Limit: Minimum Temperature = 1825	
<p>Periodic Monitoring Text: Measure and record the combustion temperature in the combustion chamber or immediately downstream of the combustion chamber. The monitoring instrumentation shall be maintained, calibrated and operated in accordance with manufacturer's specifications or other written procedures. Any monitoring data below the minimum limit shall be considered and reported as a deviation.</p>	

\*The permit holder may elect to collect monitoring data on a more frequent basis and calculate the average as specified by the minimum frequency, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis and shall not be collected and used in particular instances to avoid reporting deviations.



**PERMIT SHIELD**

**Permit Shield ..... 21**

### Permit Shield

The TCEQ Executive Director has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

Unit/Group/Process		Regulation	Basis of Determination
ID No.	Group/Inclusive Units		
PKGBOILSTK	N/A	40 CFR Part 60, Subpart Db	Boiler was constructed prior to 06/19/1984.
BTCT	N/A	40 CFR Part 63, Subpart Q	Cooling tower has not operated with chromium based chemicals on or after 09/18/1994.
GRPACIDTNK	T-5, T-6, T-7, T-8	40 CFR Part 60, Subpart K	Tanks were constructed prior to 1973.
T-16	N/A	40 CFR Part 60, Subpart K	Tanks were constructed prior to 1973.

**NEW SOURCE REVIEW AUTHORIZATION REFERENCES**

**New Source Review Authorization References ..... 23**  
**New Source Review Authorization References by Emission Unit ..... 24**

## New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

PSD Permits	NA Permits
PSD Permit No.: PSD-TX-695M2	NA Permit No.:
PSD Permit No.:	NA Permit No.:
PSD Permit No.:	NA Permit No.:
<b>Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.</b>	
Authorization No.:	Authorization No.:
Authorization No.: 56534	Authorization No.: 9565
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
<b>Permits By Rule (30 TAC Chapter 106) for the Application Area</b>	
Number:	Version No./Date:
Number: 007	Version No./Date: 08/11/1989
Number: 106.261	Version No./Date: 11/01/2003
Number: 106.262	Version No./Date: 09/04/2000
Number: 106.371	Version No./Date: 03/14/1997
Number: 106.472	Version No./Date: 03/14/1997
Number: 106.478	Version No./Date: 03/14/1997
Number:	Version No./Date:
<b>Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum</b>	
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:
Permit No.:	Permit No.:

### New Source Review Authorization References by Emissions Unit

The following is a list of New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Unit/Group/Process ID No.	Emission Unit Name /Description	New Source Review Authorization
1	FURNACE	9565, PSD-TX-695M2
BARGE-DOCK	SPENT ACID LOADING	56534
BTCT	COOLING TOWER	106.371/03/14/1997
PKGBOILSTK	PACKAGE BOILER	007/08/11/1989
PREHTRSTK	PREHEATER	007/08/11/1989
PRO-REGEN	REGEN PROCESS UNIT	9565
T-16	SPENT ACID STORAGE TANK	56534
T-5	SPENT ACID STORAGE TANK	56534
T-6	SPENT ACID STORAGE TANK	56534
T-7	SPENT ACID STORAGE TANK	56534
T-8	SPENT ACID STORAGE TANK	56534

**SCHEDULES**

**Compliance Schedule ..... 26**

## Compliance Plan and Schedule

Compliance Schedule Section (Details)					
A. Identification of Specific Situation of Noncompliance					
Unit/Group/Process		SOP Index No.	Pollutant	Applicable Regulatory Requirement	
ID. No.	Type	SOP Index No.	Pollutant	Citation	Text Description
T-16	EU	R5112-0002	PM	115.112(a)(1)	Storage tank must be controlled by a VRS and control device
B. Identification of Method Utilized to Assess Compliance Status and Location of Records Documenting Situation Details					
Method Used to Assess Compliance				Location of Records Documenting Situation Details	
Compliance Method Citation		Text Description		Location of Records Documenting Situation Details	
115.112(a)(1)		Storage tank must be controlled by a VRS and control device		NSR 56534 permit amendment application	
C. Brief Description of the Noncompliance Situation					
Storage tank with maximum true vapor pressure greater than 1.5 psia is <b>not</b> equipped with a VRS and control device					
D. Brief Description of Corrective Action Plan					
Vapor combustor to be installed to control emissions from T-16 per Permit No. 56534					
E. List of Activities/Milestones to Implement the Corrective Action Plan					
1	Tank T-16 was emptied, cleaned, and removed from service by March 1, 2007 and will remain out of service until the vapor combustor is installed				
2					
3					
4					
F. Previously Submitted Compliance Plan(s)		Type of Action		Date Submitted	
		N/A			
G. Schedule for Submitting Progress Reports			Semi-annual beginning six months after permit issuance.		

**APPENDIX A**

**Acronym List ..... 28**



## ACRONYM LIST

The following abbreviations or acronyms may be used in this permit:

ACFM	actual cubic feet per minute
AMOC	alternate means of control
ARP	Acid Rain Program
ASTM	American Society of Testing and Materials
B/PA	Beaumont/Port Arthur (nonattainment area)
CAM	Compliance Assurance Monitoring
CD	control device
COMS	continuous opacity monitoring system
CVS	closed-vent system
D/FW	Dallas/Fort Worth (nonattainment area)
DR	Designated Representative
EIP	El Paso (nonattainment area)
EP	emission point
EPA	U.S. Environmental Protection Agency
EU	emission unit
FCAA Amendments	Federal Clean Air Act Amendments
FOP	federal operating permit
GF	grandfathered
gr/100 scf	grains per 100 standard cubic feet
HAP	hazardous air pollutant
H/G	Houston/Galveston (nonattainment area)
H <sub>2</sub> S	hydrogen sulfide
ID No.	identification number
lb/hr	pound(s) per hour
MMBtu/hr	Million British thermal units per hour
MRRT	monitoring, recordkeeping, reporting, and testing
NA	nonattainment
N/A	not applicable
NADB	National Allowance Data Base
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standard (40 CFR Part 60)
NSR	New Source Review
ORIS	Office of Regulatory Information Systems
Pb	lead
PBR	Permit By Rule
PM	particulate matter
ppmv	parts per million by volume
PSD	prevention of significant deterioration
RO	Responsible Official
SO <sub>2</sub>	sulfur dioxide
TSP	total suspended particulate
TVP	true vapor pressure
U.S.C.	United States Code
VOC	volatile organic compound



AIR/PA/HG-0696-Q/RN10021317 01610/PA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OCC# (Use only)

Applicant Name: Rhodia Inc.
Site or Facility Name: Rhodia, Baytown Plant
TCEQ Account Number (if applicable): HG-0696-Q Permit Number: O-1610
Regulated Entity Number: RN100211317 Customer Number: CN600125330

2008 JAN 11 PM 3:22
CHIEF CLERKS OFFICE

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. For more information regarding public notice refer to the instructions in the public notice package.

ALTERNATIVE LANGUAGE CHECKLIST
I have contacted the appropriate school district.
A bilingual education program is required by the Texas Education Code in the district.
School District: Goose Creek Independent School District Phone:
Person Contacted: Date:
The name of the elementary school nearest to the proposed or existing facility is: Pumphrey Elementary
The name of the middle school nearest to the proposed or existing facility is: Horace Mann Junior High
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district.
The following language(s) is/are utilized in the bilingual program: Spanish
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the Instructions for Public Notice and certify as applicable on this form.

ALTERNATIVE LANGUAGE VERIFICATION
I verify that the area addressed by this permit application is subject to alternative language public notice requirements.
I verify that the applicant has conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located (or proposed to be located).
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required.
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located).
Newspaper: Language: Spanish
I verify that bilingual sign(s) required by the TCEQ were posted. (if applicable)
I verify that original tear sheets of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ.
Signed by: Applicant: Rhodia Inc.
Title: Environmental Manager Date: 12/21/07

RECEIVED
JUN 12 2008
TCEQ
CENTRAL FILE ROOM



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Air Permit**

OCC# \_\_\_\_\_  
(TCEQ use only)

Applicant Name: Rhodia Inc.  
Site or Facility Name: Rhodia Baytown Plant  
TCEQ Account Number (if applicable): HG-0697-O Permit Number: O-1610  
Regulated Entity Number: RN100211317 Customer Number: CN600125330

**NEW SOURCE REVIEW PERMIT NOTICE VERIFICATION**

I verify that the required signs (for 2<sup>nd</sup> notice) were posted in accordance with the regulations and instructions of the TCEQ. YES  NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ. YES  NO

**Notice of Receipt of Application and Intent to Obtain Permit (2<sup>nd</sup> Notice):**  
I verify that a copy of the complete air quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. YES  NO

**Notice of Application and Preliminary Decision (2<sup>nd</sup> Notice, if applicable):**  
I verify that a copy of the complete air quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and

I also verify that the air quality application and draft permit, and any revisions, will remain in the designated public place until either:

- 1) the TCEQ acts on the application; or
- 2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing.

YES  NO

Name and Address of Public Place:  
Signed by:  
Title: \_\_\_\_\_ Date: \_\_\_\_\_

**FEDERAL OPERATING PERMIT (TITLE V) NOTICE VERIFICATION**

I verify that the required signs were posted in accordance with the regulations and instructions of the TCEQ.  $\xi$  YES  NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instruction of the TCEQ.  $\xi$  YES  NO

I verify that a copy of the complete air quality application and draft permit, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.  $\xi$  YES  NO

Name and Address of Public Place: Sterling Municipal Library, Baytown , Texas  
Signed by: *W. Jackson*  
Title: Environmental Manager Date: 12/21/07



**Form OP-CRO1**  
**Certification by Responsible Official**  
**Federal Operating Permit Program**

TEXAS  
 COMMISSION  
 ON ENVIRONMENTAL  
 QUALITY

2008 JAN 11 PM 3:22

All initial permit application, revision, renewal, and reopening submittals requiring certification must be addressed using this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications, other than public notice verification materials, must be certified prior to authorization of public notice or start of public announcement. Updates to general operating permit (GOP) applications must be certified prior to receiving an authorization to operate under a GOP.

CHIEF CLERK'S OFFICE

<b>I. IDENTIFYING INFORMATION</b>		
A. RN: 100211317	B. CN: 600125330	C. Account No.: HG-0696-Q
D. Permit No.: O-01610	E. Project No.:	
F. Area Name: Houston Plant		
G. Company Name: Rhodia Inc.		
<b>II. CERTIFICATION TYPE</b> (Please mark the appropriate box)		
A. <input type="checkbox"/> Responsible Official:	B. <input checked="" type="checkbox"/> Duly Authorized Representative:	
<b>III. SUBMITTAL TYPE</b> (Place an "X" in the appropriate box) (Only one response can be accepted per form)		
<input type="checkbox"/> SOP/TOP Initial Permit Application	<input type="checkbox"/> Update to Permit Application	
<input type="checkbox"/> GOP Initial Permit Application	<input type="checkbox"/> Permit Revision, Renewal, or Reopening	
x Other: Verification of Publication for Title V Permit Public Notice _____		
<b>IV. CERTIFICATION OF TRUTH</b>		
This certification does not extend to information which is designated by the TCEQ as information for reference only.		
I, <u>Al Semaan</u> , certify that I am the <u>DAR</u> for this application (Certifier Name printed or typed) (RO or DAR)		
and that, based on information and belief formed after reasonable inquiry, the statements and information dated during the time period in Section IV.A below, or on the specific date(s) in Section IV.B below, are true, accurate, and complete:		
Note: Enter EITHER a Time Period OR Specific Date(s) for each certification. This section must be completed. The certification is not valid without documentation date(s).		
A. Time Period: From <u>November 21, 2007</u> to <u>December 20, 2007</u> Start Date* End Date*		
OR		
B. Specific Dates: _____ Date 1* Date 2* Date 3* Date 4* Date 5* Date 6* Date 7* Date 8*		
*The Time Period option may only be used when the "Submittal Type" is 'Update to Permit Application' and there are multiple uncertified submittals; or a submittal package has multiple dates recorded in the documentation. Do not use the Time Period option if the "Submittal Type" is 'Other.'		
Signature:		Signature Date: <u>1/7/07</u>
Title: <u>Plant Manager</u>		



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**Eco Services Enterprise  
Houston/Baytown Plants**

2008 JAN 11 PM 3:22

CHIEF CLERKS OFFICE

RHODIA INC.  
8615 MANCHESTER STREET  
HOUSTON, TX. 77012

**CERTIFIED MAIL: Return Receipt Requested (7007 0220 0000 4422 3025)**

January 7, 2008

TCEQ  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Rhodia Inc.  
Baytown, Harris County  
Public Notice Verification Form  
Title V Permit Public Notice  
Permit No.: O-1610  
Customer Number: CN600125330  
Regulated Entity Number: RN100211317  
TCEQ Account No.: HG-0696-Q

Dear Sir or Madame:

Please find the original Public Notice Verification Form and Form OP-CRO1 for the Public Notification on the Rhodia Baytown, Texas Title V Air Permit No. O-1610 renewal.

If there are any questions, please do not hesitate to contact me at (713) 924-1408.

Sincerely,

W. F. Dickerson  
Environmental Manager

Enclosures

cc: Ms. Kimberli Evans, Air Permits Division (MC-163), TCEQ Austin  
Air Section Manager, TCEQ Region 12  
Dr. Bud Karachiwala, Harris County Pollution Control Department



7007 0220 0000 4422 3025

TCBQ - Office of the Chief Clerk  
Attn: Notice Team (MC-105)  
P O. Box 13087  
Austin, Texas 78711-3087

Applicant Name: Rhodia Inc  
Permit No.: 01610  
Notice of Draft Federal Operating Permit

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF

Harris

§  
§  
§

Before me, the undersigned authority, on this day personally appeared

Lina Martinez

(name of newspaper representative)

who being by me duly

sworn, deposes and says that (s)he is the

Acct. Manager

(title of newspaper representative)

of the

La Informacion Spanish newspaper

(name of newspaper)

; that said newspaper is

regularly published in

HARRIS

County, Texas, and is of general circulation

in

HOUSTON

(nearest municipality to the site)

, Texas; that the attached notice

was published in said newspaper on the following date(s):

11-15-07

Lina Martinez  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 15 day of November, 2007, to certify which witness my hand and seal of office

(Seal)

Robert Garza

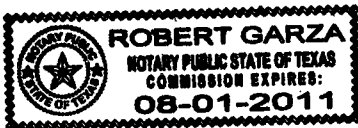
Notary Public in and for the State of Texas

Robert Garza

Print or Type Name of Notary Public

08-01-11

My Commission Expires



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2007 DEC 13 PM 2:44  
CHIEF CLERKS OFFICE



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**Eco Services Enterprise  
Houston/Baytown Plants**

2007 DEC 13 PM 2:47

CHIEF CLERKS OFFICE

RHODIA INC.  
P.O. BOX 3331  
3439 PARK ST.  
BAYTOWN, TX. 77522-3331

**CERTIFIED MAIL: Return Receipt Requested (7007 0220 0000 4422 2967)**

December 6, 2007

TCEQ  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Rhodia Inc.  
Baytown, Harris County  
Proof of Publication  
Renewal of Permit Number: O1610  
Baytown Plant  
Customer Number: CN600125330  
Regulated Entity Number: RN100211317

Dear Sir or Madame:

Please find the affidavit of publication for La Informacion for the Public Notification at the Rhodia Baytown, Texas for the above mentioned Draft Federal Operating Permit.

If there are any questions, please do not hesitate to contact me at (713) 924-1408.

Sincerely,

W. F. Dickerson  
Environmental Manager

Enclosures

**Rhodia**

Eco Services Enterprise

Rhodia Inc.  
8615 Manchester Blvd.  
Houston, TX 77012

2962 2244 0000 0220 2002



**RECEIVED**  
DEC 13 2007  
TCEQ MAIL CENTER  
MM

TCEQ  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P. O. Box 13087  
Austin, TX 78711-3087



**RECEIVED**  
DEC 13 2007  
TCEQ MAIL CENTER  
MM



TCEQ - Office of the Chief Clerk  
Attn: Notice Team (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

Applicant Name: Rhodia Inc  
Permit No.: 01610  
Notice of Draft Federal Operating Permit

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2007 NOV 29 PM 3:36  
CHIEF CLERK'S OFFICE

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §  
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared  
Clifton E. Clements, who being by me duly  
*(name of newspaper representative)*

sworn, deposes and says that (s)he is the publisher  
*(title of newspaper representative)*

of the The Baytown Sun; that said newspaper is  
*(name of newspaper)*

regularly published in HARRIS County, Texas, and is of general circulation  
in Baytown, Texas; that the attached notice  
*(nearest municipality to the site)*

was published in said newspaper on the following date(s):

November 21, 2007

[Signature]  
Newspaper Representative's Signature

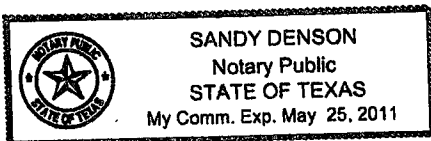
Subscribed and sworn to before me this the 21 day of Nov., 2007, to certify which  
witness my hand and seal of office.

(Seal)

[Signature]  
Notary Public in and for the State of Texas

Sandy Denson  
Print or Type Name of Notary Public

05/25/2011  
My Commission Expires



Wednesday, November 21, 2007

8 The Baytown Sun

**NOTICE OF DRAFT  
FEDERAL  
OPERATING PERMIT**

**DRAFT PERMIT NO.:**  
01610

**APPLICATION AND DRAFT PERMIT.** Rhodia Inc, 8 Cedar Brook Drive, Cranbury, New Jersey, 08512-7500, an Industrial Inorganic Chemicals facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal and revision of Federal Operating Permit (herein referred to as Permit) No 01610, Application No, 9948 to authorize operation of the Baytown Plant. The area addressed by the application is located on Park Street and is the last Industrial Facility on Park Street, surrounded by Exxon-Mo-

draft permit. The permit application, statement of basis, and draft permit are available for viewing and copying at the Texas Commission on Environmental Quality Central Office, 12100 Park 35 Circle, Building E, First Floor, Austin, Texas, and the Sterling Municipal Library, Mary Elizabeth Milbanks Avenue, Baytown, Texas. At the TCEQ Central and Regional Office, relevant supporting materials for the draft permit, as well as the New Source Review permits which have been incorporated by reference, may be reviewed and copied. Any person with difficulties obtaining these materials due to travel constraints may contact the TCEQ Central Office file room at (512) 239-1540

**P U B L I C  
COMMENT/NOTICE  
AND COMMENT  
HEARING.**

Any person may submit written comments on the draft permit. Comments relating to the accuracy, completeness, and appropriateness of the permit conditions may result in changes to the draft permit.

**A person who may be affected by the emission of air pollutants**

from the permitted area may request a notice and comment hearing. The purpose of the notice and comment hearing is to provide an additional opportunity to submit comments on the draft permit. The permit may be changed based on comments pertaining to whether the permit provides for compliance with 30 TAC Chapter 122 (examples may include that the permit does not contain all applicable requirements or the public notice procedures were not satisfied). The TCEQ may grant a notice and com-

ment hearing on the application if a written hearing request is received within 30 days after publication of the newspaper notice. The hearing request must include the basis for the request, including a description of how the person may be affected by the emission of air pollutants from the application area. The request should also specify the conditions of the draft permit that are inappropriate or specify how the preliminary decision to issue or deny the permit is inappropriate. All reasonably ascertainable issues must be raised and all reasonably available arguments must be submitted by the end of the public comment period. If a notice and comment hearing is granted, all individuals that submitted written comments or a hearing request will receive written notice of the hearing. This notice will identify the date, time, and location for the hearing.

**Written public comments and/or requests for a notice and comment hearing should be submitted to the Texas Commission on Environmen-**

**tal Quality Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087 and received with 30 days from date of newspaper publication of this notice.**

**A notice of proposed final action includes a response to comments and identification of any changes to the draft permit will be emailed to everyone who submitted public comments, a hearing request, or requested to be on the mailing list for this application. This mailing will also provide instructions for public petitions to the U.S. Environmental Protection Agency (EPA) to request that the EPA object to the issuance of the proposed permit. After receiving a peti-**

tion, the EPA may only object to the issuance of a permit which is not in compliance with the applicable requirements or the applicable requirements of 30 TAC Chapter 122.

**MAILING LIST.** In addition to submitting public comments, a person may ask to be placed on a mailing list for this application by sending a request to the TCEQ Office of the Chief Clerk at the address above. Those on the mailing list will receive copies of future public notices (if any) mailed by the Chief Clerk for this application.

**INFORMATION.** For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality Office of Public Assistance at MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or Toll Free at 1-800-687-4040. General information about the TCEQ can be found at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea informacion en Espanol, puede llamar al 1-800-687-4040.

Further information may also be obtained for Rhodia Inc by calling Mr. James Harton at (609) 860-4000.

Wednesday, November 21, 2007

The Baytown Sun 9

bil Baytown, Baytown, Harris County, Texas. This application was received by the TCEQ on February 5, 2007.

The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code § 122.10 (30 TAC § 122.10). The draft permit, if approved, will codify the conditions under which the area must operate. The permit will not authorize new construction. The TCEQ Executive Director has completed the technical review of the application and has made a preliminary decision to prepare a draft permit for public comment and review. The TCEQ Executive Director recommends issuance of this

**AVISO PARA UN PERMISO FEDERAL PARA OPERAR PRELIMINAR**

PERMISO PRELIMINAR NÚMERO: O1610

**SOLICITUD Y PERMISO PRELIMINAR.** Rhodia Inc, 8 Cedar Drive, Cranbury, New Jersey 08512-7500, una facilidad Inorgánica Industrial de los Productos Químicos ha solicitado de la Comisión de Calidad Ambiental de Tejas (TCEQ, por sus siglas en inglés) la Solicitud Inicial del Permiso Federal de Operar (aquí dentro aludido como permiso) Solicitud Número . O1610 para autorizar Aplicación No. 9948 para autorizar la operación de Baytown Plant ubicada en Park Street y es la última facilidad industrial en Park Street rodeado de Exxon-Mobil Baytown, Baytown, Condado de Harris. Esta solicitud fue entregada a la TCEQ el 5 de Febrero de 2007.

El propósito del permiso preliminar es mejorar el acatamiento general de las reglas que gobiernan el control de la contaminación atmosférica, claramente definiendo todos los requisitos aplicables como están definidos en el Título 30 del Código Administrativo de Tejas § 122.10 (30 TAC § 122.10, por sus siglas en inglés). El permiso preliminar no autoriza construcciones nuevas, ni tampoco el aumento de emisiones del sitio. El Ejecutivo Director de la TCEQ ha concluido el análisis técnico de la aplicación y ha preparado un permiso preliminar para la revisión y comentarios del público. El permiso preliminar, si es aprobado, establecerá las condiciones debajo de las cuales el sitio debiera operar. El director ejecutivo recomienda que se otorgue este permiso preliminar. La aplicación completa y el permiso preliminar están disponibles para ser revisados y copiados en la Oficina Central de la TCEQ, 12100 Park 35 Circle, Bldg. E, First Floor, Austin, Texas, y en la Oficina Regional de Houston, 5425 Polk Street, Suite H, Houston, Texas 77023-1452 y la Librería Sterling Municipal, Mary Elizabeth Wilbanks Avenue, Baytown, Texas. En la oficina central y la oficina regional también podrá revisar y copiar todos los demás documentos pertinentes al permiso para operar preliminar, así como los permisos para la Revisión de Fuentes Nuevas que han sido incorporados por referencia. Personas que tengan dificultades obteniendo estos materiales debido a restricciones para viajar pueden comunicarse con la oficina central al teléfono (512) 239-1540.

**LISTA PARA ENVÍO DE CORREO.** Usted puede solicitar ser incluido en una lista para envío de correo para recibir información adicional con respecto a esta solicitud. Para ser incluido en una lista para envío de correo, envíe su petición a la Oficina del Secretario Principal (Office of Chief Clerk) a la dirección que se encuentra a continuación en el párrafo titulado "Información."

**COMENTARIOS/NOTIFICACIÓN PÚBLICA Y AUDIENCIA.** Usted puede presentar comentarios públicos y/o solicitar una audiencia de notificación y comentarios sobre esta solicitud. El propósito de la audiencia de notificación y comentarios es el proveer la oportunidad de hacer comentarios de parte del público y hacer preguntas sobre esta solicitud.

**Cualquier persona afectada por la emisión de contaminantes atmosféricos de este sitio puede solicitar una audiencia de notificación y comentarios.** La TCEQ puede otorgar una audiencia de notificación y comentarios con respecto a esta aplicación si una petición por escrito es presentada dentro de los treinta días después de la publicación de este anuncio. El propósito de la audiencia de notificación y comentarios es proveer la oportunidad para someter comentarios orales o por escrito acerca del permiso preliminar. Si se concede una audiencia de notificación y comentarios, todas las personas que presentaron comentarios por escrito o peticiones para audiencia recibirán confirmación por escrito de la audiencia. Esta confirmación indicará la fecha, hora y lugar de la audiencia.

**Una noticia de la acción final, incluyendo respuestas a los comentarios públicos y denotando cambios hechos al permiso preliminar, será remitida a todas las personas que hayan presentado comentarios públicos, solicitudes para audiencia o que hayan solicitado ser incluidas en la lista de correo.** Esta noticia también proveerá instrucciones para hacer peticiones públicas a la Agencia Para la Protección del Medio Ambiente (EPA), solicitado la reconsideración de la acción final propuesta por el director ejecutivo. Al recibir una petición, la agencia EPA solamente podrá objetarse a la promulgación de permisos que no se acaten a los requisitos de sus reglamentos o a los requisitos de 30 TAC Capítulo 122.

**Comentarios públicos por escrito y peticiones para audiencia de notificación y comentarios deben de ser presentados a la Oficina del Secretario Principal (Office of Chief Clerk), MC 108, P.O. Box 13087, Austin, Texas 78711-3087 dentro de treinta días después de la publicación en el periódico del anuncio del permiso preliminar.**

**INFORMACIÓN.** Para más información, usted puede llamar a la Oficina de Asistencia Pública (Office of Public Assistance), sin cargo, a el 1-800-687-4040. Información general concerniente a la TCEQ puede encontrarse vía internet en [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Más información puede ser obtenida de Rhodia Inc. o llamando al Sr. James Harton a el teléfono (609) 860-4000.

TCEQ - Office of the Chief Clerk  
Attn: Notice Team (MC-105)  
P O. Box 13087  
Austin, Texas 78711-3087

Applicant Name: Rhodia Inc  
Permit No.: 01610  
Notice of Draft Federal Operating Permit

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2007 NOV 29 PM 3: 36  
CHIEF CLERK'S OFFICE

STATE OF TEXAS

COUNTY OF

Harris

§  
§  
§

Before me, the undersigned authority, on this day personally appeared

Lina Martinez, who being by me duly  
*(name of newspaper representative)*

sworn, deposes and says that (s)he is the Acct. Manager  
*(title of newspaper representative)*

of the La. Informacion Spanish Newspaper; that said newspaper is  
*(name of newspaper)*

regularly published in Harris County, Texas, and is of general circulation

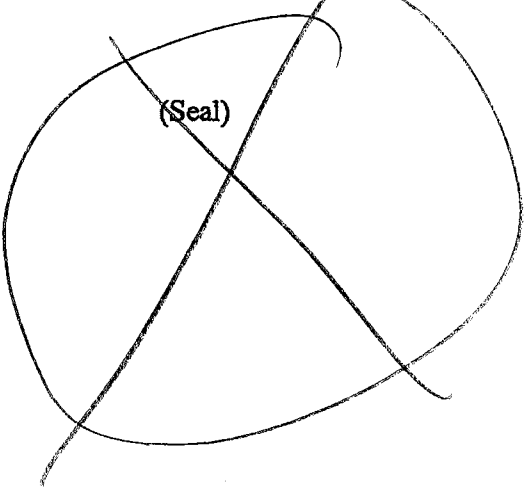
in HOUSTON, Texas; that the attached notice  
*(nearest municipality to the site)*

was published in said newspaper on the following date(s):

11.15.07

Lina Martinez  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 15 day of November, 2007, to certify which  
witness my hand and seal of office



Robert Garza  
Notary Public in and for the State of Texas

Robert Garza  
Print or Type Name of Notary Public

08-01-11  
My Commission Expires



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Eco Services Enterprise 2007 NOV 29 PM 3:36  
Houston/Baytown Plants

CHIEF CLERKS OFFICE

RHODIA INC.  
P.O. BOX 3331  
3439 PARK ST.  
BAYTOWN, TX. 77522-3331

**CERTIFIED MAIL: Return Receipt Requested (7007 0220 0000 4422 2882)**

November 26, 2007

TCEQ  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Rhodia Inc.  
Baytown, Harris County  
Proof of Publication  
Renewal of Permit Number: O1610  
Baytown Plant  
Customer Number: CN600125330  
Regulated Entity Number: RN100211317

Dear Sir or Madame:

Please find the original newspaper clippings and affidavit of publication for the Public Notification on the Rhodia Baytown, Texas for the above mentioned Draft Federal Operating Permit. The notices were published in the Baytown Sun on November 21, 2007 and in La Informacion on November 15, 2007.

If there are any questions, please do not hesitate to contact me at (713) 924-1408.

Sincerely,

W. F. Dickerson  
Environmental Manager

Enclosures

cc: Texas Commission on Environmental Quality  
Office of Permitting, Remediation, and Registration  
Air Permits Division, MC-163  
Attn: Ms. Kimberli Evans  
P.O. Box 13087  
Austin, TX 78711-3087

Air Program Section Manager  
TCEQ Region 12  
5425 Polk Street, Suite H  
Houston, TX 77023-1486

Mr. Badruddin (Bud) Karachiwala  
Division Director  
Harris County Public Health and Environmental Services  
Environmental Public Health Division  
107 North Munger  
Pasadena, TX 77506

**Rhodia**

Eco Services Enterprise - North America

Rhodia Inc.  
8615 Manchester Blvd.  
Houston, TX 77012

2882 2244 0000 0220 2002



**CERTIFIED MAIL**



UNITED STATES POSTAGE  
02 1L  
0907254710  
NOV 27 2007  
MAILED FROM ZIP CODE 77012  
**\$ 05.55<sup>0</sup>**

**First Class Mail**  
**First Class Mail**

RECEIVED  
NOV 29 2007  
TCEQ MAIL CENTER  
MM

TCEQ  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P. O. Box 13087  
Austin, TX 78711-3087

MIKE BERCU  
10714 PLAINFIELD ST  
HOUSTON TX 77031-1021

NANCY BLACKWELL  
AEI ENGINEERING INC  
616 FM 1960 RD W STE 250  
HOUSTON TX 77090-3037

RAY A CAMPBELL JR  
BIOTOX INC  
9130 WURZBACH RD  
SAN ANTONIO TX 78240-1070

JACK COBLENZ  
SOURCE ENVIRONMENTAL SCIENCES INC  
4100 WESTHEIMER RD STE 106  
HOUSTON TX 77027-4427

BUCHANAN EASLEY  
4020 SUMMIT CT  
FAIRVIEW TX 75069-1183

PETER GREGA  
25411 HOLLYBUSH LN  
SPRING TX 77373-8015

HARRY J HAYES DIRECTOR  
HOUSTON DEPT OF SOLID WASTE  
611 WALKER ST STE 1200  
HOUSTON TX 77002-4903

JACK PISKURA  
THE WCM GROUP  
PO BOX 3247  
HUMBLE TX 77347-3247

CEIL E PRICE  
CITY OF HOUSTON LEGAL DEPT  
PO BOX 1562  
HOUSTON TX 77251-1562

MARK ROSE  
THE LETCO GROUP  
1901 CALIFORNIA CROSSING RD  
DALLAS TX 75220-7005

JP

11/8/07



COASTAL WATER AUTHORITY  
500 DALLAS TWO ALLEN CENTER STE 2800  
HOUSTON TX 77002

HARRIS COUNTY ATTORNEY  
1019 CONGRESS FL 15  
HOUSTON TX 77002-1799

HARRIS COUNTY COMMISSIONERS COURT  
1001 PRESTON ST FL 4  
HOUSTON TX 77002-1839

HARRIS COUNTY FLOOD CONTROL  
ENGINEER  
9900 NORTHWEST FWY STE 220  
HOUSTON TX 77092-8619

HARRIS COUNTY HEALTH AUTHORITY  
2223 WEST LOOP S  
HOUSTON TX 77027

HARRIS COUNTY JUDGE  
1001 PRESTON ST STE 911  
HOUSTON TX 77002

SAN JACINTO RIVER AUTHORITY  
PO BOX 329  
CONROE TX 77305-0329

US ARMY CORPS OF ENGINEERS  
PO BOX 1229  
GALVESTON TX 77553-1229

ASST DISTRICT ATTORNEY  
HARRIS CO PUB HLTH & ENVIRO  
1201 FRANKLIN STE 600 POLLUTION CONTROL  
HOUSTON TX 77002

ENVIRONMENTAL AFFAIRS  
PORT OF HOUSTON  
PO BOX 2562  
HOUSTON TX 77252-2562

EXECUTIVE DIRECTOR  
HOUSTON-GALVESTON AREA COUNCIL OF  
GOVERNMENTS  
PO BOX 22777  
HOUSTON TX 77227-2777

FIELD SUPERVISOR  
US FISH & WILDLIFE SERVICE  
17629 EL CAMINO REAL STE 211  
HOUSTON TX 77058-3051

PUBLIC HEALTH & ENVIRO  
HARRIS COUNTY MOSQUITO CONTROL  
DIVISION  
3330 OLD SPANISH TRL BLD D  
HOUSTON TX 77021-2230

PUBLIC HEALTH REGION 6/5  
TEXAS DEPARTMENT OF STATE HEALTH  
SERVICES  
5425 POLK ST STE J  
HOUSTON TX 77023-1452

STAFF LEGAL COUNSEL  
GULF COAST WASTE DISPOSAL AUTHORIT  
910 BAY AREA BLVD  
HOUSTON TX 77058-2604

LATRICE BABIN  
HARRIS COUNTY PUB HLTH & ENVIRO  
PO BOX 6031 POLLUTION CONTROL  
PASADENA TX 77506

JAMES B BLACKBURN  
BAYOU PRESERVATION ASSOCIATION INC  
4709 AUSTIN ST  
HOUSTON TX 77004-5004

SHAN SADDIQI  
CITY OF HOUSTON HEALTH DEPT  
7411 PARK PLACE BLVD  
HOUSTON TX 77087-4441

LAURALEE VALLON GENERAL COUNSEL  
BRAZOS RIVER AUTHORITY  
PO BOX 7555  
WACO TX 76714-7555

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

November 1, 2007

MR JAMES HARTON  
PRESIDENT ECO SERVICES  
RHODIA INC  
8 CEDAR BROOK DR  
CRANBURY NJ 08512-7500

Re: Draft Federal Operating Permit Approval and  
Public Notice Authorization  
Renewal  
Permit Number: O1610  
Rhodia Inc  
Baytown Plant  
Baytown, Harris County  
Regulated Entity Number: RN100211317  
Customer Reference Number: CN600125330  
Account Number: HG-0696-Q

Dear Mr. Harton:

The Texas Commission on Environmental Quality (TCEQ) has completed the technical review of your application as required by the Texas Clean Air Act § 382.0517, as codified in the Texas Health and Safety Code, and has determined that the above-referenced application is administratively complete. This letter provides notice of the following:

- state **new source review** (NSR) authorizations are now considered an applicable requirement in the operating permit;
- instructions describing how to **publish notice** for the draft permit; and
- the TCEQ Executive Director's proposed final action is to submit a draft federal operating permit (FOP), which serves as a proposed permit, to the U.S. Environmental Protection Agency (EPA) for **EPA review** to run concurrently with the public notice comment period, unless public comments are received or the TCEQ Executive Director grants a hearing request. If EPA review is not concurrent, the EPA review period shall begin no earlier than the close of the public comment period or date of the hearing.

Mr. James Harton

Page 2

November 1, 2007

### **New Source Review**

In order to assist you with the changes made to the draft operating permit incorporating state NSR as an applicable requirement, your permit may include the following:

- a table of NSR authorizations submitted in your application previously as "for reference only;" or
- terms and conditions clarifying that NSR is an applicable requirement and enforceable under the operating permit.

The Form OP-ACPS (Application Compliance Plan and Schedule) submitted with the permit application is still valid for all applicable requirements in the attached draft operating permit, including NSR authorizations, which were previously considered reference only. If the Form OP-ACPS is no longer correct for any reason, please submit updated Form OP-ACPS, including an updated compliance plan to Ms. Kimberli Evans, TCEQ Air Permits Division. This updated compliance plan must be approved by the TCEQ and added to the FOP before publication.

In addition, for sites subject to Title 30 Texas Administrative Code §§ 101.300 - 101.304 (30 TAC §§ 101.300 - 101.304) (Emissions Banking and Trading), the draft operating permit contains terms and conditions for these requirements. If you have any questions about these changes, please contact Ms. Kimberli Evans, TCEQ Air Permits Division.

### **Public Notice**

The TCEQ has prepared the enclosed draft permit for your final review and approval. You are now required to publish notice for the draft permit. To help you meet the requirements associated with this notice, we have enclosed the following items:

- Instructions for Public Notice
- Public Notice Checklist
- Notice for Newspaper Publication and Sign Posting
- Affidavit of Publication and Alternative Language Affidavit of Publication
- Public Notice Verification Form (TCEQ 20244-Air)
- Draft Permit
- Statement of Basis

Please note that it is VERY IMPORTANT that you follow ALL directions in the enclosed instructions. If you do not, you may be required to republish the notice. A common mistake is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

Mr. James Harton  
Page 3  
November 1, 2007

A "Public Notice Checklist" is enclosed which notes the time limitations for each step of the public notice process. This checklist should be used as a tool in conjunction with the enclosed, detailed instructions.

#### **EPA Review**

In accordance with 30 TAC § 122.350, the procedural requirements of 30 TAC § 122.320 of this title (relating to Public Notice), 30 TAC § 122.322 of this title (relating to Bilingual Public Notice), and the requirements for EPA review under this section may run concurrently. However, if any person submits comments, or the TCEQ Executive Director grants a hearing request, the requirement for EPA review may not run concurrently with the period for public notice. If comments are received, the TCEQ Executive Director will submit the comments and revised proposed permit, if applicable, to the EPA and shall restart the 45-day EPA review.

If the EPA does not file an objection to a proposed FOP, or the objection is resolved, the TCEQ will issue the FOP. Any person affected by the decision of the TCEQ, including the applicant, may petition the EPA in accordance with Texas Clean Air Act § 382.0563, as codified in the Texas Health and Safety Code, and 30 TAC § 122.360 within 60 days of the expiration of the EPA's 45-day review period. The petition shall be based only on objections to the permit raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within the public comment period, or the grounds for such objections arose after the public comment period.

The EPA may only object to the issuance of any proposed permit that is not in compliance with the applicable requirements or the requirements of this chapter. The 60-day public petition period will begin on the day after the last day of the EPA review period. Public petitions should be submitted to the TCEQ, the applicant, and the EPA at the following addresses:

Texas Commission on Environmental Quality  
Attn: Mr. Richard Hyde, P.E., Director  
Air Permits Division (MC-163)  
P.O. Box 13087  
Austin, Texas 78711-3087

U.S. Environmental Protection Agency  
Attn: Air Permit Section Chief  
Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

U.S. Environmental Protection Agency  
Administrator Stephen L. Johnson  
Ariel Rios Building (AR 1101A)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Mr. James Harton

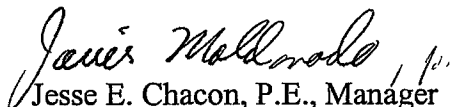
Page 4

November 1, 2007

The TCEQ will make the draft FOP, the statement of basis, FOP application, compliance certification, and if applicable, the compliance plan and monitoring reports available to the public, EPA, and to the affected states and local programs as needed. If you do not comply with all requirements described in the instructions, further processing of your application may be suspended and your application voided, or the agency may take other action.

Thank you for your cooperation in this matter. If you have any questions regarding publication requirements, please contact the TCEQ Office of the Chief Clerk at (512) 239-3300. If you have any other questions, please contact Ms. Kimberli Evans at (512) 239-1100.

Sincerely,



Jesse E. Chacon, P.E., Manager

Operating Permit Section

Air Permits Division

Texas Commission on Environmental Quality

JEC/KCE/ssl

cc: Mr. William F. Dickerson, Environmental Manager, Rhodia, Inc., Houston  
Mr. Al Semaan, Plant Manager, Rhodia, Inc., Houston  
Mr. Wei Liu, Trinity Consultants, Houston  
Director, Pollution Control Department, Harris County Public Health and Environmental Services, Pasadena  
Air Section Manager, Region 12 - Houston

Enclosure: Draft Permit

Project Number: 9948

# PUBLIC NOTICE CHECKLIST

## *Notice of Draft Federal Operating Permit (Title V Notice)*

The following tasks must be completed for public notice. If publication in an alternative language is required, please complete the tasks for both the English and alternative language publications. Detailed instructions are included in the "Instructions for Public Notice" section of this package.

### **Within 30 calendar days after date of this letter**

Publish *Notice of Draft Federal Operating Permit* in "public notice" section of newspaper. Review for accuracy prior to publishing.  
Provide copy of complete application, including any subsequent revisions, statement of basis, and the draft permit at a public place for review and copying. Keep them there for duration of the designated comment period.  
Prepare signs.

### **First day of newspaper publication**

Review published newspaper notice for accuracy.  
Post signs and keep them up for duration of the designated comment period.  
Ensure copy of complete application, including any subsequent revisions, statement of basis, and the draft permit are at the public place.

### **Within 2 business days after date of publication**

Fax copy of newspaper clippings to Ms. Kimberli Evans in TCEQ Air Permits Division at 512-239-5698.

### **Within 10 business days after date of publication**

Mail original newspaper clippings showing publication date and newspaper name to  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087  
Mail photocopies of newspaper clippings showing publication date and newspaper name to TCEQ Regional Office and each local program with jurisdiction over your site.

### **Within 30 calendar days after date of publication**

Mail original affidavit of publication and alternative language affidavit of publication (if applicable) to  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087  
Mail photocopies of affidavits to Ms. Kimberli Evans in TCEQ Air Permits Division.

### **Within 10 business days after end of the designated comment period**

Mail Public Notice Verification Form and Form OP-CRO1 to  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087  
Mail photocopies of Public Notice Verification Form and Form OP-CRO1 to Ms. Kimberli Evans in TCEQ Air Permits Division.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## INSTRUCTIONS FOR PUBLIC NOTICE For Federal Operating Permit

### NOTICE OF DRAFT FEDERAL OPERATING PERMIT

We have completed the technical review of your application and have prepared the enclosed draft federal operating permit (FOP) for public notice. You must comply with the following instructions:

#### Draft Permit Review

The draft FOP is enclosed for your final review and approval. During technical review of the application, the permit reviewer coordinated with you or your technical contact to address and resolve any outstanding issues. Contact the permit reviewer listed in the cover letter immediately if you have any questions related to the draft FOP.

#### Notice Review

Included in the notice is all of the information which the commission believes is necessary to effectuate compliance with applicable public notice requirements. Please read it carefully and notify the permit reviewer listed in the cover letter immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the Texas Commission on Environmental Quality (TCEQ).

#### Newspaper Notice

- You must publish the enclosed *Notice of Draft Federal Operating Permit* **as soon as practical but no later than 30 calendar days** after the date on the cover letter with these instructions.
- You must publish the enclosed *Notice of Draft Federal Operating Permit*, at your expense, in the public notice section of one issue of a newspaper of general circulation in the municipality in which the site or proposed site is located, or the municipality nearest to the location of the site or proposed site.
- The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold, italics**). **Failure to do so may require re-notice.**

#### Alternative Language Notice

In certain circumstances, an applicant for an FOP must complete notice in alternative languages.

- Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the facility or proposed facility location. Bilingual education programs are determined on a district-wide basis. When students who are required to attend either school are eligible to be enrolled in a bilingual education program, some alternative language notice is required (newspaper notice).
- Since the school district, and not the schools, must provide the bilingual education program, these programs do not have to be located at the elementary or middle schools nearest to the facility or proposed facility to trigger the alternative language notice requirement. Alternative language notice is required when students who would normally attend the nearest schools are eligible to be taught in a bilingual education program at a different location.
- If triggered, publications of alternative language notices must be made in a newspaper or publication printed primarily in each language taught in the bilingual education program. The same newspaper(s) used for *Notice of Receipt and Intent to Obtain Permit* must be used for publication of the *Notice of Application and Preliminary Decision for an Air Quality Permit*. This notice is required if such a newspaper or publication exists in the municipality or the county where the facility is located or proposed to be located.
- The applicant must demonstrate a good faith effort to identify a newspaper or publication in the required language. If a newspaper or publication of general circulation published at least once a month in such language cannot be found, publishing in that language is not required, but signs must still be posted adjacent to each English language sign.
- The applicant has the burden to demonstrate compliance with these requirements. To assist you in meeting these requirements, the TCEQ has provided the enclosed *Public Notice Verification Form* (TCEQ 20244-Air). You must fill out the *Public Notice Verification Form* indicating your compliance with the requirements regarding publication in an alternative language. This form is also available at [www.tceq.state.tx.us/goto/air/publicnotice](http://www.tceq.state.tx.us/goto/air/publicnotice).
- It is suggested the applicant work with the local school district to do the following:
  - (a) determine if a bilingual program is required in the district;
  - (b) determine which language is required by the bilingual program;
  - (c) locate the nearest elementary and middle schools; and
  - (d) determine if any students attending either school are eligible to be enrolled in a bilingual educational program.
- **If you determine that you must meet the alternative language notice requirements, you are responsible for ensuring that the publication in the alternative language is complete and accurate in that language. Since the most common bilingual programs are in Spanish, the TCEQ has provided example Spanish notice templates for your use. All italic notes should be replaced with the corresponding Spanish translations for the specific application and published in the alternative language publication. Electronic versions of the Spanish templates are available through the TCEQ Air Permits Division webpage at [www.tceq.state.tx.us/goto/air/publicnotice](http://www.tceq.state.tx.us/goto/air/publicnotice).**
- If you are required to publish notice in a language other than Spanish, you must translate the entire public notice at your own expense.



## **Public Comment Period**

- The public comment period should last at least **30 calendar days**.
- The comment period will be longer if the last day of the public comment period ends on a weekend or a holiday. In this case, the comment period will end on the next business day.
- The comment period for the permit may lengthen depending on whether a notice and comment hearing is held. If a hearing is held, the comment period will be extended to the date of the hearing.

## **Sign Posting**

- You must also post a sign in English and as applicable, in each alternative language, referencing the draft FOP.
- Please read the sign template carefully and notify the permit reviewer listed in the cover letter immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information for the sign posting. You may not change the text of the sign without prior approval from the TCEQ.
- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible for the entire comment period or the end of a notice and comment hearing, if a hearing is granted.
- The sign placed at the site must be located at or near the site main entrance, provided that the sign is legible from the public street. If the sign would not be legible from the public street, then the sign shall be placed within ten feet of a property line paralleling a public street.
- The Executive Director may approve variations if you demonstrate that it is not practical to comply with the specific sign posting requirements. The Executive Director must approve variations before signs are posted.
- All lettering on the sign must be 1-1/2" in height and in block printed capital lettering.
- The sign must be at least 18" wide and 28" tall, and consist of dark lettering on a white background.
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.
- Inspect each sign posting daily to ensure they are present and visible throughout the comment period.
- You must submit certification of sign posting within **10 business days** after the end of the public comment period by completing and submitting the enclosed Public Notice Verification Form.

## Proof of Publication and Public Notice Certification

- Check each publication to ensure that the articles were accurately published.
- You must fax a copy of the **newspaper clipping** of each published notice which shows the complete notice that was published, date of publication, and the name of the newspaper to the permit reviewer, **within 2 business days of publication**.
- You must submit an **original newspaper clipping** of each published notice which shows the complete notice that was published, date of publication, and the name of the newspaper to the TCEQ Office of the Chief Clerk. In addition, send a copy to the TCEQ Regional Office and to each local program with jurisdiction over your site, **within 10 business days** after the date of publication. You are encouraged to submit the affidavit with the original newspaper clippings described above.
- You must submit an **original publisher's affidavit** to the TCEQ Office of the Chief Clerk within **30 calendar days** after the date of each publication. **You must use the enclosed affidavit form**. The affidavit must clearly identify the applicant's name and permit number.
- You must submit the *Public Notice Verification Form* to the TCEQ Office of the Chief Clerk and return a copy of this form to the TCEQ, Air Permits Division, within **10 business days** of the end of the public comment period. You must use this form to verify that you have met sign posting requirements and bilingual notice requirements, as applicable. It is also used to verify that you placed a copy of the application, the statement of basis and draft permit in a public place in the county in which the site is located or proposed to be located.
- You must submit a completed *Form OP-CRO1* (Certification by Responsible Official), signed by the Responsible Official or Duly Authorized Representative, that verifies the truth and accuracy of all public notice documentation submitted. You must submit this form to the TCEQ Office of the Chief Clerk and a copy of this form to the TCEQ, Air Permits Division, within **10 business days** of the end of the public comment period.
- The **original publisher's affidavit, Public Notice Verification Form, Form OP-CRO1, and an original newspaper clipping of the published notice** must be mailed to:

Texas Commission on Environmental Quality  
Office of the Chief Clerk, (MC-105)  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087

- A copy of the **publisher's affidavit, Public Notice Verification Form, and Form OP-CRO1** must be mailed to:

Texas Commission on Environmental Quality  
Air Permits Division (MC-163)  
Attn: Ms. Kimberli Evans  
P.O. Box 13087  
Austin, Texas 78711-3087

- Please ensure that the affidavit and newspaper clipping you send to the TCEQ Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted by the TCEQ Chief Clerk.

#### **Failure to Publish, Submit Proof of Publication and Certification of Public Notice**

- You must meet all publication requirements. If you fail to publish the notice, post signs, meet bilingual notice requirements or submit proof of publication and public notice certification on time, the TCEQ may suspend further processing of your application or take other actions.

#### **Application in a Public Place**

- You must provide a copy of the complete application, including any subsequent revisions, the statement of basis and the draft permit, at a public place for review and copying by the public. This place must be in the county in which the site is located or proposed to be located, as required by 30 TAC § 122.320(b).
- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).
- The complete application must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the end of the comment period.
- If the application is submitted to the TCEQ with information marked as "CONFIDENTIAL," you are required to indicate which specific portions of the application are not being made available to the public. These portions of the applications must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the Texas Commission on Environmental Quality Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087."

#### **General Information**

When contacting the Commission regarding this application, please refer to the permit number at the top of the Notice of Draft Federal Operating Permit.

If you have questions or need assistance regarding this notice, please contact the permit reviewer listed in the cover letter or the Office of the Chief Clerk at (512) 239-3300.

## NOTICE OF DRAFT FEDERAL OPERATING PERMIT

DRAFT PERMIT NO.: O1610

**APPLICATION AND DRAFT PERMIT.** Rhodia Inc, 8 Cedar Brook Drive, Cranbury, New Jersey 08512-7500, an Industrial Inorganic Chemicals facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal and revision of Federal Operating Permit (herein referred to as Permit) No. O1610, Application No. 9948 to authorize operation of the Baytown Plant. The area addressed by the application is located on Park Street and is the last Industrial Facility on Park Street, surrounded by Exxon-Mobil Baytown, Baytown, Harris County, Texas. This application was received by the TCEQ on February 5, 2007.

The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code § 122.10 (30 TAC § 122.10). The draft permit, if approved, will codify the conditions under which the area must operate. The permit will not authorize new construction. The TCEQ Executive Director has completed the technical review of the application and has made a preliminary decision to prepare a draft permit for public comment and review. The TCEQ Executive Director recommends issuance of this draft permit. The permit application, statement of basis, and draft permit are available for viewing and copying at the Texas Commission on Environmental Quality Central Office, 12100 Park 35 Circle, Building E, First Floor, Austin, Texas, and the Sterling Municipal Library, Mary Elizabeth Wilbanks Avenue, Baytown, Texas. At the TCEQ Central and Regional Office, relevant supporting materials for the draft permit, as well as the New Source Review permits which have been incorporated by reference, may be reviewed and copied. Any person with difficulties obtaining these materials due to travel constraints may contact the TCEQ Central Office file room at (512) 239-1540.

**PUBLIC COMMENT/NOTICE AND COMMENT HEARING.** Any person may submit written comments on the draft permit. Comments relating to the accuracy, completeness, and appropriateness of the permit conditions may result in changes to the draft permit.

**A person who may be affected by the emission of air pollutants from the permitted area may request a notice and comment hearing.** The purpose of the notice and comment hearing is to provide an additional opportunity to submit comments on the draft permit. The permit may be changed based on comments pertaining to whether the permit provides for compliance with 30 TAC Chapter 122 (examples may include that the permit does not contain all applicable requirements or the public notice procedures were not satisfied). The TCEQ may grant a notice and comment hearing on the application if a written hearing request is received within 30 days after publication of the newspaper notice. The hearing request must include the basis for the request, including a description of how the person may be affected by the emission of air pollutants from the application area. The request should also specify the conditions of the draft permit that are inappropriate or specify how the preliminary decision to issue or deny the permit is inappropriate. All reasonably ascertainable issues must be raised and all reasonably available arguments must be submitted by the end of the public comment period. If a notice and comment hearing is granted, all individuals that submitted written comments or a hearing request will receive written notice of the hearing. This notice will identify the date, time, and location for the hearing.

Written public comments and/or requests for a notice and comment hearing should be submitted to the Texas Commission on Environmental Quality Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-087 and received within 30 days from the date of newspaper publication of this notice.

A notice of proposed final action that includes a response to comments and identification of any changes to the draft permit will be mailed to everyone who submitted public comments, a hearing request, or requested to be on the mailing list for this application. This mailing will also provide instructions for public petitions to the U.S. Environmental Protection Agency (EPA) to request that the EPA object to the issuance of the proposed permit. After receiving a petition, the EPA may only object to the issuance of a permit which is not in compliance with the applicable requirements or the requirements of 30 TAC Chapter 122.

**MAILING LIST.** In addition to submitting public comments, a person may ask to be placed on a mailing list for this application by sending a request to the TCEQ Office of the Chief Clerk at the address above. Those on the mailing list will receive copies of future public notices (if any) mailed by the Chief Clerk for this application.

**INFORMATION.** For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality Office of Public Assistance at MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or Toll Free at 1-800-687-4040. General information about the TCEQ can be found at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040.

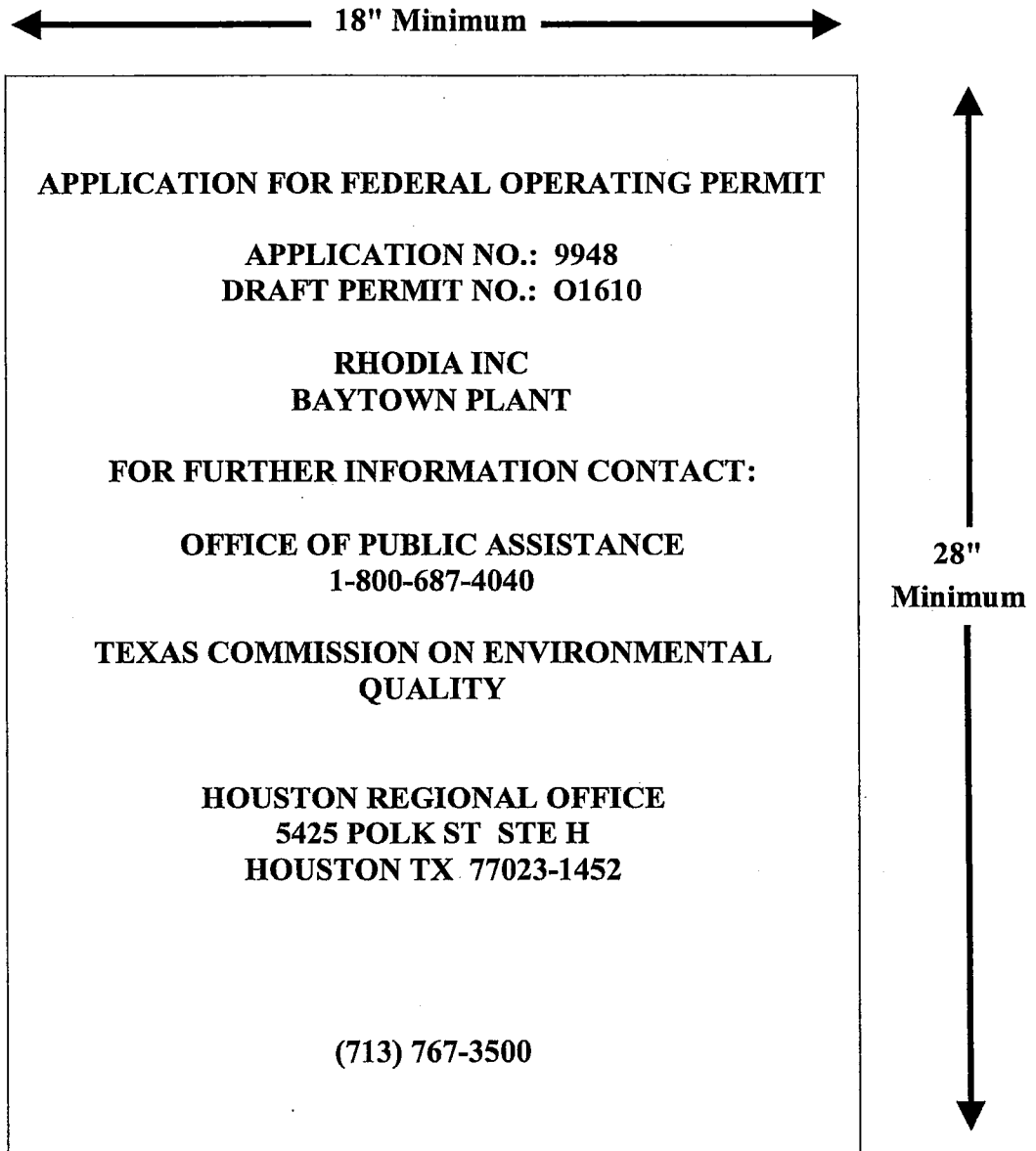
Further information may also be obtained for Rhodia Inc by calling Mr. James Harton at (609) 860-4000.

NOV 01 2007

Notice issued by TCEQ: \_\_\_\_\_

**PUBLIC NOTICE EXAMPLE SIGN POSTING**

Sign(s) must be in place on the date of publication of the newspaper notice and must remain in place and be legible throughout the public comment period. Note - The information shown is an **example only**. It is your responsibility to verify that the appropriate information pertaining to **your application** is accurate. Each sign placed at the **area addressed in the FOP application** must be located at or near the site main entrance, provided that the sign is legible from the public street. If the sign would not be legible from the public street, then the sign shall be placed within 10 feet of a property line paralleling a public street.



Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100% visible from the street.

**WHITE BACKGROUND WITH BLACK LETTERS**

All lettering must be 1-1/2 inch block printed capitals.









**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Air Permit**

OCC# \_\_\_\_\_

(TCEQ use only)

Applicant Name: \_\_\_\_\_

Site or Facility Name: \_\_\_\_\_

TCEQ Account Number (if applicable): \_\_\_\_\_ Permit Number: \_\_\_\_\_

Regulated Entity Number: \_\_\_\_\_ Customer Number: \_\_\_\_\_

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. For more information regarding public notice refer to the instructions in the public notice package.

ALTERNATIVE LANGUAGE CHECKLIST	
I have contacted the appropriate school district.	<input type="checkbox"/> YES <input type="checkbox"/> NO
A bilingual education program is required by the Texas Education Code in the district.	<input type="checkbox"/> YES <input type="checkbox"/> NO
School District:	Phone:
Person Contacted:	Date:
The name of the elementary school nearest to the proposed or existing facility is:	
The name of the middle school nearest to the proposed or existing facility is:	
Students who attend one of the schools above are eligible to be enrolled in a bilingual program provided by the district.	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
The following language(s) is/are utilized in the bilingual program:	
<b>If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the <i>Instructions for Public Notice</i> and certify as applicable on this form.</b>	

ALTERNATIVE LANGUAGE VERIFICATION	
I verify that the area addressed by this permit application is subject to alternative language public notice requirements.	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that the applicant has conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located (or proposed to be located).	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that no such newspaper or publication was found in any of the language(s) in which notice is required.	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that the publishers of the newspapers listed below refused to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located).	
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
Newspaper:	Language:
I verify that bilingual sign(s) required by the TCEQ were posted. ( <i>if applicable</i> )	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
I verify that original tear sheets of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ.	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
Signed by:	Applicant:
Title:	Date:



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Air Permit**

OCC# \_\_\_\_\_  
 (TCEQ use only)

Applicant Name: \_\_\_\_\_  
 Site or Facility Name: \_\_\_\_\_  
 TCEQ Account Number (if applicable): \_\_\_\_\_ Permit Number: \_\_\_\_\_  
 Regulated Entity Number: \_\_\_\_\_ Customer Number: \_\_\_\_\_

**NEW SOURCE REVIEW PERMIT NOTICE VERIFICATION**

I verify that the required signs (for 1<sup>st</sup> notice) were posted in accordance with the regulations and instructions of the TCEQ.

YES     NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ.

YES     NO

**Notice of Receipt of Application and Intent to Obtain Permit (1<sup>st</sup> Notice):**

I verify that a copy of the complete air quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.

YES     NO

**Notice of Application and Preliminary Decision (2<sup>nd</sup> Notice, if applicable):**

I verify that a copy of the complete air quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and

I also verify that the air quality application and draft permit, and any revisions, will remain in the designated public place until either:

- 1) the TCEQ acts on the application; or
- 2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing.

YES     NO

Name and Address of Public Place:

Signed by:

Title:

Date:

**FEDERAL OPERATING PERMIT (TITLE V) NOTICE VERIFICATION**

I verify that the required signs were posted in accordance with the regulations and instructions of the TCEQ.

YES     NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instruction of the TCEQ.

YES     NO

I verify that a copy of the complete air quality application and draft permit, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period.

YES     NO

Name and Address of Public Place:

Signed by:

Title:

Date:

**OFFICE OF THE CHIEF CLERK  
MC-105**

Transmittal of Air Federal Operating Permit Notice for:

Company Name: Rhodia Inc  
Customer Reference Number: CN600125330  
Permit Number: O1610

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2007 NOV - 5 PM 3:46

CHIEF CLERKS OFFICE

*Notice Mailed by OCC on 11/09/07*