

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.: 2007-0377-AIR-E TCEQ ID: RN100224799 CASE NOS.: 33868 and 32878**  
**RESPONDENT NAME: ISP SYNTHETIC ELASTOMERS LP**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 1615 Main Street, Port Neches, Jefferson County

**TYPE OF OPERATION:** styrene butadiene rubber manufacturing facility

**SMALL BUSINESS:**  Yes  No

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

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on December 10, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney:** Mr. Shawn Slack, Litigation Division, MC 175, (512) 239-0063  
 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  
**TCEQ Enforcement Coordinator:** Ms. Nadia Hameed, Air Enforcement Section, MC R-12, (713) 767-3629  
**TCEQ Regional Contact:** Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838  
**Respondent:** Mr. Al Carlin, Site General Manager, ISP Synthetic Elastomers LP, P.O. Box 667, Port Neches, Texas 77651  
**Respondent's Attorney:** Mr. Danny Worrell, Brown McCarroll, L.L.P., 111 Congress Avenue, Suite 1400, Austin, Texas 78701-4093

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> January 10th and 25th, 2007 and April 10, 2007</p> <p><b>Date of NOV/NOEs Relating to this Case:</b> January 22, 2007 (NOV) February 28, 2007 (NOE) and June 7, 2007 (NOE)</p> <p><b>Background Facts:</b> A settlement agreement was reached on or about September 12, 2007, and a signed Agreed Order with payment was received on or about October 4, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>Air</b></p> <ol style="list-style-type: none"> <li>Failed to perform testing no later than 180 days from the initial startup after conversion at Emission Point Number ("EPN") Boiler 2 from 40 Million British Thermal Units per hour ("MMBTU/hr") to a higher heat input rate. Specifically, Boiler 2 had exceeded the 40 MMBTU/hr heat input rate on January 23, 2006, hence testing was required to have been done on or before July 22, 2006, but was not done until January 3, 2007 [30 TEX. ADMIN. CODE § 122.143(4), Federal Operating Permit ("FOP") No. O-01224, General Terms and Conditions and Special Condition 11A, Air Permit No. 74010, Special Condition 6D and TEXAS HEALTH &amp; SAFETY CODE § 382.085(b)]</li> <li>Failed to prevent unauthorized emissions of 24 lbs of butadiene, and 30 lbs of styrene, that were released when ISP failed to prevent a foam-over in the Pressure Flash tank, which resulted in latex getting into the Recycle Butadiene tanks in the tank farm, causing an emissions event that began on February 28, 2007, and lasted for one hour and thirty-five minutes (Incident No. 87760) [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-01224, General Terms and Conditions and Special Condition 11A, Air Permit No. 9908, Special Condition No. 1, and TEXAS</li> </ol>	<p><b>Total Assessed:</b> \$13,025</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$13,025 The administrative penalty amount of \$13,025 has been paid in full.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Action(s) Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <ol style="list-style-type: none"> <li>On January 3, 2007, ISP conducted testing of Boiler 2.</li> <li>On March 15, 2007, ISP conducted operator training to ensure that correct procedures are followed to help prevent the recurrence of emissions events similar to the February 28, 2007 event.</li> </ol> <p><b>Technical Requirement(s)</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Within 75 days, implement further measures designed to prevent a recurrence of emissions events due to the same causes as the emissions events described in Section II ("Allegations"), including completion of modifications to the steam injection systems into the blow-downs by installing larger lines and check valves to prevent latex from plugging.</li> <li>Within 90 days, submit written certification notarized by a State of Texas Notary Public and include detailed supporting documentation including photographs, receipts, and or other records to demonstrate compliance with these Ordering Provisions.</li> </ol>

HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions of 23.164 lbs of butadiene and 4.54 lbs of styrene during a twenty-five minute emissions event which occurred at the Recycle Butadiene Tank on December 24, 2006 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-01224, General Terms and Conditions and Special Condition 11A, Air Permit No. 9908, Special Condition 1, and TEXAS HEALTH & SAFETY CODE § 382.085(b)]



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 25, 2007

DATES	Assigned	5-Mar-2007	Screening	8-Mar-2007	EPA Due	3-Dec-2007
	PCW	16-Jul-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	ISP Synthetic Elastomers LP
Reg. Ent. Ref. No.	RN100224799
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	32878	No. of Violations	2
Docket No.	2007-0377-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 68% Enhancement Subtotals 2, 3, & 7 \$3,400

Notes: Enhancement for two (2) orders with denial of liability, two (2) NOVs with same or similar violations, nine (9) NOVs without same or similar violations, including seven (7) self-reported effluent violations in the past five years at this plant.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 \$0

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

Notes: The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$625 0% Enhancement\* Subtotal 6 \$0  
 Approx. Cost of Compliance \$13,500 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$8,400

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment \$0

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

Notes:

**Final Penalty Amount** \$8,400

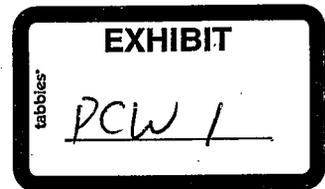
**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$8,400

**DEFERRAL** 0% Reduction Adjustment \$0

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

Notes: Deferral not offered for non-expedited settlement

**PAYABLE PENALTY** \$8,400



Screening Date 8-Mar-2007

Docket No. 2007-0377-AIR-E

PCW

Respondent ISP Synthetic Elastomers LP

Policy Revision 2 (September 2002)

Case ID No. 32878

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Daniel Siringi

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 68%

>> Repeat Violator (Subtotal 3)

No

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

>> Compliance History Person Classification (Subtotal 7)

Average Performer

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

>> Compliance History Summary

Compliance History Notes

Enhancement for two (2) orders with denial of liability, two (2) NOVs with same or similar violations, nine (9) NOVs without same or similar violations, including seven (7) self-reported effluent violations in the past five years at this plant.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 68%

<b>Screening Date</b> 8-Mar-2007	<b>Docket No.</b> 2007-0377-AIR-E	<b>PCW</b>
<b>Respondent</b> ISP Synthetic Elastomers LP	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 32878	<i>PCW Revision May 25, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN100224799		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Daniel Siringi		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 122.143(4), Federal Operating Permit ("FOP") No. O-01224, General Terms and Conditions and Special Condition 11A, Air Permit No. 74010, Special Condition 6D and Texas Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to perform testing no later than 180 days from the initial startup after conversion at Emission Point Number ("EPN") Boiler 2 from 40 Million British Thermal Units per hour ("MMBTU/hr") to a higher heat input rate. Specifically, Boiler 2 had exceeded the 40 MMBTU/hr heat input rate on January 23, 2006, hence the testing was required to have been done on or before July 22, 2006 but was not done until January 3, 2007 .	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$57"/>	Violation Final Penalty Total <input type="text" value="\$4,200"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$4,200"/>	

### Economic Benefit Worksheet

**Respondent** ISP Synthetic Elastomers LP  
**Case ID No.** 32878  
**Reg. Ent. Reference No.** RN100224799  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	22-Jul-2006	3-Jan-2007	0.5	\$57	n/a	\$57

Notes for DELAYED costs

Estimated cost of conducting testing at Boiler Number 2. Date required is the date testing was required to have been done and the final date is the date testing was completed.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$57

Screening Date 8-Mar-2007

Docket No. 2007-0377-AIR-E

PCW

Respondent ISP Synthetic Elastomers LP

Policy Revision 2 (September 2002)

Case ID No. 32878

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-01224, General Terms and Conditions and Special Condition 11A, Air Permit No. 9908, Special Condition 1 and Texas Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of 23.164 pounds (lbs) of Butadiene and 4.54 lbs of Styrene during a twenty-five minute emissions event which occurred at the Recycle Butadiene ("BD") Tank on December 24, 2006. Since the emissions could have been avoided by good operation and maintenance practices, ISP failed to meet the demonstrations for an affirmative defense 30 Tex. Admin. Code § 101.222(b)(2) and (3).

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>	

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** ISP Synthetic Elastomers LP  
**Case ID No.** 32878  
**Reg. Ent. Reference No.** RN100224799  
**Media Air**  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$8,500	24-Nov-2006	8-Sep-2007	0.8	\$22	\$447	\$469
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$2,500	24-Nov-2006	8-Sep-2007	0.8	\$99	n/a	\$99
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost of training personnel on the proper operations and maintenance of Recycle Butadiene ("BD") Tank and installation of equipment such as an alarm system which would alert operators of any liquid overflow in the Recycle BD Tank. Date required is the date of the emissions event related to Recycle BD Tank and final date is the date the respondent is expected to complete all corrective actions.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$11,000

**TOTAL**

\$568



valve on the water scrubber at the tank farm open after the water had drained out.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
40 CFR Part 63, Subpart F 63.104(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly monitor the heat exchange system of the cooling tower for volatile organic compounds

1660

Effective Date: 11/06/2005

ADMINORDER 2005-0315-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent 28.8 pounds of unauthorized styrene emissions from emissions point number F-MONTF during an avoidable emissions event lasting 20 minutes on September 10, 2004.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	03/07/2002	(209847)
N/A		
2	04/08/2002	(209852)
3	05/03/2002	(138045)
4	05/09/2002	(209856)
5	06/10/2002	(209860)
6	07/05/2002	(209864)
7	08/09/2002	(209868)
8	08/22/2002	(6553)
9	09/16/2002	(209871)
10	10/10/2002	(209874)
11	11/07/2002	(209878)
12	12/06/2002	(209881)
13	01/09/2003	(209885)
14	01/30/2003	(22721)
15	02/07/2003	(209845)
16	03/07/2003	(209848)
17	03/07/2003	(209853)
18	04/11/2003	(31248)
19	05/08/2003	(209857)
20	05/23/2003	(33705)
21	06/20/2003	(209861)
22	07/15/2003	(209865)
23	08/15/2003	(317324)
24	09/09/2003	(248149)
25	09/19/2003	(317326)
26	10/17/2003	(317328)
27	11/21/2003	(317329)
28	12/29/2003	(317330)
29	01/08/2004	(317331)
30	02/23/2004	(317314)
31	03/23/2004	(317316)
32	04/22/2004	(317317)
33	05/14/2004	(317319)
34	06/08/2004	(317321)
35	06/10/2004	(269853)
36	06/24/2004	(270422)
37	07/08/2004	(276402)
38	07/20/2004	(361297)
39	08/19/2004	(361298)
40	09/20/2004	(361299)
41	10/18/2004	(361300)
42	11/15/2004	(361302)

43 11/19/2004 (361301)  
 44 12/16/2004 (340680)  
 45 12/20/2004 (387110)  
 46 12/22/2004 (341349)  
 47 12/27/2004 (341130)  
 48 12/30/2004 (343962)

49 01/28/2005 (341821)  
 50 01/31/2005 (343500)  
 51 02/11/2005 (387109)  
 52 03/16/2005 (424886)  
 53 04/11/2005 (424887)  
 54 05/13/2005 (424890)  
 55 05/23/2005 (424888)  
 56 06/21/2005 (424889)  
 57 08/01/2005 (395624)  
 58 08/02/2005 (400369)  
 59 08/15/2005 (396647)  
 60 08/19/2005 (445521)  
 61 09/16/2005 (445522)  
 62 10/21/2005 (477097)  
 63 11/13/2005 (419030)  
 64 11/22/2005 (477098)  
 65 12/16/2005 (436768)  
 66 12/21/2005 (477099)  
 67 01/19/2006 (437173)  
 68 01/23/2006 (477100)  
 69 02/21/2006 (477094)  
 70 03/08/2006 (477096)  
 71 03/20/2006 (477095)  
 72 04/12/2006 (459529)  
 73 04/13/2006 (459530)  
 74 04/21/2006 (503826)  
 75 05/23/2006 (503827)  
 76 06/20/2006 (503828)  
 77 07/26/2006 (486650)  
 78 07/28/2006 (485738)  
 79 08/29/2006 (485307)  
 80 08/31/2006 (430976)  
 81 09/14/2006 (526193)  
 82 10/16/2006 (526192)  
 83 10/18/2006 (526194)  
 84 10/26/2006 (526195)  
 85 11/16/2006 (514587)  
 86 11/28/2006 (519226)  
 87 11/29/2006 (512633)  
 88 12/20/2006 (513048)  
 89 12/28/2006 (397968)  
 90 02/28/2007 (535216)  
 91 02/28/2007 (538053)

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

NS	Date 08/31/2003 (317326)		
	Self Report? YES	Classification	Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
	Description: Failure to meet the limit for one or more permit parameter		
NS	Date 06/30/2004 (361297)		
	Self Report? YES	Classification	Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
	Description: Failure to meet the limit for one or more permit parameter		
NS	Date 07/31/2004 (361298)		
	Self Report? YES	Classification	Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		

NS	Description: Failure to meet the limit for one or more permit parameter Date 04/30/2005 (424888) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	Classification	Moderate
NS	Description: Failure to meet the limit for one or more permit parameter Date 05/31/2005 (424889) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	Classification	Moderate
NS	Description: Failure to meet the limit for one or more permit parameter Date 08/03/2005 (400369) Self Report? NO Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) Rqmt Prov: OP O-01224, SC 1A Description: Failure to record the time in the flare operation log. Self Report? NO Citation: 30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a) 5C THC Chapter 382, SubChapter A 382.085(b) Rqmt Prov: OP O-1224, SC 1A OP O-1224, SC 1D Description: Failure to perform weekly pump seal visual inspections. Self Report? NO Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) Rqmt Prov: OP O-1224, SC 3B(iii) Description: Failure to perform quarterly observation of the stationary vents. Date 09/30/2005 (477097) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	Classification	Minor
NS	Description: Failure to meet the limit for one or more permit parameter Date 01/31/2006 (477094) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter	Classification	Moderate
SS	Date: 07/27/2006 (486650) Self Report? NO Citation: 30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter H 116.786(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart U 63.502(a) 5C THC Chapter 382, SubChapter D 382.085(b) Rqmt Prov: PERMIT 49127, Special Condition 15E PERMIT 9908, Special Condition 26E OP O-0124, Special Condition 1A Description: Failure to plug open-ended lines. Self Report? NO Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) Rqmt Prov: PERMIT 74010, Special Condition 3 OP O-01224, Special Condition 11A Description: Failure to maintain a permitted firing rate. Self Report? NO Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b) Rqmt Prov: PERMIT 9908, Special Condition 12 Description: Failure to conduct TDS testing with an approved method. Self Report? NO	Classification:	Minor
		Classification:	Moderate
		Classification:	Minor
		Classification:	Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT 9908, Special Condition 26  
Description: Failure to repair a leaking component within 15 days after the leak was found.  
Self Report? NO Classification: Moderate

NS

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to report a deviation.  
Date: 08/30/2006 (485307)  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.  
Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.

SS

Date: 01/22/2007 (536449)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT 74010, Special Condition No. 3  
Description: Failure to comply with permitted firing rate for Boiler 4.

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

<b>DATES</b>	Assigned	11-Jun-2007	Screening	15-Jun-2007	EPA Due	4-Mar-2008
	PCW	17-Jul-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	ISP Synthetic Elastomers LP		
Reg. Ent. Ref. No.	RN100224799		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	33868	No. of Violations	1
Docket No.	2007-0377-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Nadia Hameed
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	Subtotal 1	\$2,500
---	------------	---------

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	85% Enhancement	Subtotals 2, 3, & 7	\$2,125
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Notes: Penalty enhancement due to three 1660 agreed orders, 1 same or similar NOV, and 10 non-similar NOV's of which seven were self reported effluent violations.

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

<b>Good Faith Effort to Comply</b>	0% Reduction	Subtotal 5	\$0
------------------------------------	--------------	------------	-----

Before NOV      NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

<b>Total EB Amounts</b>	\$8,245	0% Enhancement*	Subtotal 6	\$0
<b>Approx. Cost of Compliance</b>	\$108,500	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	Final Subtotal	\$4,625
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	\$4,625
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<b>STATUTORY LIMIT ADJUSTMENT</b>	Final Assessed Penalty	\$4,625
-----------------------------------	------------------------	---------

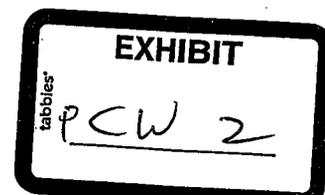
<b>DEFERRAL</b>	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement

<b>PAYABLE PENALTY</b>	\$4,625
------------------------	---------



Screening Date 15-Jun-2007

Docket No. 2007-0377-AIR-E

PCW

Respondent ISP Synthetic Elastomers LP

Policy Revision 2 (September 2002)

Case ID No. 33868

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Nadia Hameed

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 85%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to three 1660 agreed orders, 1 same or similar NOV, and 10 non-similar NOVs of which seven were self reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 85%

<b>Screening Date</b> 15-Jun-2007 <b>Respondent</b> ISP Synthetic Elastomers LP <b>Case ID No.</b> 33868 <b>Reg. Ent. Reference No.</b> RN100224799 <b>Media [Statute]</b> Air <b>Enf. Coordinator</b> Nadia Hameed <b>Violation Number</b> <input type="text" value="1"/>	<b>Docket No.</b> 2007-0377-AIR-E <div style="text-align: right;"><b>PCW</b> <small>Policy Revision 2 (September 2002) PCW Revision June 26, 2007</small></div>																			
<b>Rule Cite(s)</b> 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), TCEQ Air Permit No. 9908, Special Condition No. 1, Federal Operating Permit No. O-01224, General Terms and Conditions and Special Condition No.11A, and Tex. Health & Safety Code § 382.085(b)																				
<b>Violation Description</b> Failed to prevent unauthorized emissions. Specifically, 24 pounds ("lbs") of butadiene, and 30 lbs of styrene were released when ISP failed to prevent a foam-over in the Pressure Flash tank, which resulted in latex getting into the Recycle Bd Tanks in the tank farm, causing an emissions event that began on February 28, 2007, and lasted for one hour and thirty-five minutes (Incident No.87760). Since this emissions event was avoidable, ISP failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.																				
<b>Base Penalty</b> <input type="text" value="\$10,000"/>																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;"></th> <th colspan="3" style="text-align: center;">Harm</th> <th></th> </tr> <tr> <th style="text-align: left;">Release</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <th></th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> <input type="text" value="25%"/></td> </tr> <tr> <td style="text-align: left;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </tbody> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
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<b>&gt;&gt; Programmatic Matrix</b>																				
<b>Matrix Notes</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;"></th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <th></th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">Falsification</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="vertical-align: middle;"><b>Percent</b> <input type="text" value="0%"/></td> </tr> </tbody> </table> <p style="border: 1px solid black; padding: 5px; margin-top: 5px;">Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.</p>		Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>									
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<input type="text" value="\$2,500"/>																				
<b>Violation Events</b>																				
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<b>mark only one with an x</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </tbody> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>							
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semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	<input checked="" type="checkbox"/>																			
<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>																				
One single event is recommended.																				
<b>Economic Benefit (EB) for this violation</b>																				
<b>Statutory Limit Test</b>																				
<b>Estimated EB Amount</b> <input type="text" value="\$8,245"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$4,625"/>																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$4,625"/>																				

## Economic Benefit Worksheet

**Respondent** ISP Synthetic Elastomers LP  
**Case ID No.** 33868  
**Reg. Ent. Reference No.** RN100224799  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

No commas or \$

**Delayed Costs**

Equipment	\$108,000	28-Feb-2007	1-Apr-2008	1.1	\$393	\$7,851	\$8,244
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	28-Feb-2007	15-Mar-2007	0.0	\$1	n/a	\$1
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of modifications to prevent recurrence of this event. Date required is the date of the emissions event. Final date shows the date when operator training was conducted and the date by which the remaining corrective actions involving modifications to the system are expected to be completed.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$108,500

**TOTAL**

\$8,245

# Compliance History

Customer/Respondent/Owner-Operator: CN602296287    ISP Synthetic Elastomers LP    Classification: AVERAGE    Rating: 2.78  
 Regulated Entity: RN100224799    ISP SYNTHETIC ELASTOMERS    Classification: AVERAGE    Site Rating: 2.78

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0017A
	AIR OPERATING PERMITS	PERMIT	1224
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD059333443
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30144
	WASTEWATER	PERMIT	TX0072311000
	WASTEWATER	PERMIT	WQ0002487000
	WASTEWATER	PERMIT	TPDES0087602
	WASTEWATER	PERMIT	TX0087602
	AIR NEW SOURCE PERMITS	PERMIT	9908
	AIR NEW SOURCE PERMITS	PERMIT	7642
	AIR NEW SOURCE PERMITS	PERMIT	9351A
	AIR NEW SOURCE PERMITS	PERMIT	4132A
	AIR NEW SOURCE PERMITS	PERMIT	11481A
	AIR NEW SOURCE PERMITS	PERMIT	12381A
	AIR NEW SOURCE PERMITS	PERMIT	15069A
	AIR NEW SOURCE PERMITS	PERMIT	9100A
	AIR NEW SOURCE PERMITS	PERMIT	16309A
	AIR NEW SOURCE PERMITS	PERMIT	16456A
	AIR NEW SOURCE PERMITS	PERMIT	33357
	AIR NEW SOURCE PERMITS	REGISTRATION	72127
	AIR NEW SOURCE PERMITS	AFS NUM	4824500034
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0017A
	AIR NEW SOURCE PERMITS	REGISTRATION	70480
	AIR NEW SOURCE PERMITS	PERMIT	71346
	AIR NEW SOURCE PERMITS	REGISTRATION	71804
	AIR NEW SOURCE PERMITS	REGISTRATION	73735
	AIR NEW SOURCE PERMITS	PERMIT	74010

Location: 1215 MAIN ST, PORT NECHES, TX, 77651    Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 15, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 15, 2002 to June 15, 2007

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

Name: NHameed    Phone: 713-767-3629

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?    Yes
2. Has there been a (known) change in ownership of the site during the compliance period?    ##
3. If Yes, who is the current owner?    ISP Synthetic Elastomers
4. If Yes, who was/were the prior owner(s)?    Ameripol Synpol Corporation
5. When did the change(s) in ownership occur?    12/01/2003

### Components (Multimedia) for the Site :

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

Effective Date: 06/09/2005

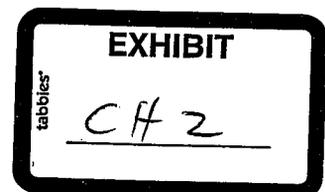
ADMINORDER 2004-0959-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Allowed the unauthorized emission of an air contaminant, by leaving the wastewater drain valve on the water scrubber at the tank farm open after the water had drained out.

Classification: Moderate



Citation: 30 TAC Chapter 113, SubChapter C 113.260  
40 CFR Part 63, Subpart F 63.104(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly monitor the heat exchange system of the cooling tower for volatile organic compounds

Effective Date: 11/06/2005

ADMINORDER 2005-0315-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent 28.8 pounds of unauthorized styrene emissions from emissions point number F-MONTF during an avoidable emissions event lasting 20 minutes on September 10, 2004.

Effective Date: 03/05/2007

ADMINORDER 2006-0422-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 74010, Special Condition 1 PERMIT

Description: Failure to comply with the permitted NOx and VOC emission limits for Boiler Number 5.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	07/05/2002	(209864)
2	08/09/2002	(209868)
3	08/22/2002	(6553)
4	09/16/2002	(209871)
5	10/10/2002	(209874)
6	11/07/2002	(209878)
7	12/06/2002	(209881)
8	01/09/2003	(209885)
9	01/30/2003	(22721)
10	02/07/2003	(209845)
11	03/07/2003	(209848)
12	03/07/2003	(209853)
13	04/11/2003	(31248)
14	05/08/2003	(209857)
15	05/23/2003	(33705)
16	06/20/2003	(209861)
17	07/15/2003	(209865)
18	08/15/2003	(317324)
19	09/09/2003	(248149)
20	09/19/2003	(317326)
21	10/17/2003	(317328)
22	11/21/2003	(317329)
23	12/29/2003	(317330)
24	01/08/2004	(317331)
25	02/23/2004	(317314)
26	03/23/2004	(317316)
27	04/22/2004	(317317)
28	05/14/2004	(317319)
29	06/08/2004	(317321)
30	06/10/2004	(269853)
31	06/24/2004	(270422)
32	07/08/2004	(276402)
33	07/20/2004	(361297)
34	08/19/2004	(361298)
35	09/20/2004	(361299)
36	10/18/2004	(361300)
37	11/15/2004	(361302)
38	11/19/2004	(361301)
39	12/16/2004	(340680)
40	12/20/2004	(387110)

41	12/22/2004	(341349)
42	12/27/2004	(341130)
43	12/30/2004	(343962)
44	01/28/2005	(341821)
45	01/31/2005	(343500)
46	02/11/2005	(387109)
47	03/16/2005	(424886)
48	04/11/2005	(424887)
49	05/13/2005	(424890)
50	05/23/2005	(424888)
51	06/21/2005	(424889)
52	08/01/2005	(395624)
53	08/02/2005	(400369)
54	08/15/2005	(396647)
55	08/19/2005	(445521)
56	09/16/2005	(445522)
57	10/21/2005	(477097)
58	11/13/2005	(419030)
59	11/22/2005	(477098)
60	12/16/2005	(436768)
61	12/21/2005	(477099)
62	01/19/2006	(437173)
63	01/23/2006	(477100)
64	02/21/2006	(477094)
65	03/08/2006	(477096)
66	03/20/2006	(477095)
67	04/12/2006	(459529)
68	04/13/2006	(459530)
69	04/21/2006	(503826)
70	05/23/2006	(503827)
71	06/20/2006	(503828)
72	07/26/2006	(486650)
73	07/28/2006	(485738)
74	08/29/2006	(485307)
75	08/31/2006	(430976)
76	09/14/2006	(526193)
77	10/16/2006	(526192)
78	10/18/2006	(526194)
79	10/26/2006	(526195)
80	11/16/2006	(514587)
81	11/17/2006	(550491)
82	11/28/2006	(519226)
83	11/29/2006	(512633)
84	12/15/2006	(550492)
85	12/20/2006	(513048)
86	12/28/2006	(397968)
87	02/19/2007	(550490)
88	02/28/2007	(535216)
89	02/28/2007	(538053)
90	05/21/2007	(556351)
91	06/07/2007	(544001)

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

Date	08/31/2003	(317326)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2004	(361297)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2004	(361298)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date 04/30/2005 (424888)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Date 05/31/2005 (424889)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Date 08/03/2005 (400369)  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP O-01224, SC 1A

Description: Failure to record the time in the flare operation log.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP O-1224, SC 1A  
 OP O-1224, SC 1D

Description: Failure to perform weekly pump seal visual inspections.  
 Self Report? NO Classification Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP O-1224, SC 3B(iii)

Description: Failure to perform quarterly observation of the stationary vents.  
 Date 09/30/2005 (477097)  
 Self Report? YES Classification Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2006 (477094)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/27/2006 (486650)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter H 116.786(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart U 63.502(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 49127, Special Condition 15E  
 PERMIT 9908, Special Condition 26E  
 OP O-0124, Special Condition 1A

Description: Failure to plug open-ended lines.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 74010, Special Condition 3  
 OP O-01224, Special Condition 11A

Description: Failure to maintain a permitted firing rate.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 9908, Special Condition 12

Description: Failure to conduct TDS testing with an approved method.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: PERMIT 9908, Special Condition 26  
 Failure to repair a leaking component within 15 days after the leak was found.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failure to report a deviation.  
 Date: 08/30/2006 (485307)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
 30 TAC Chapter 101, SubChapter F 101.201(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to properly notify the Beaumont Regional Office concerning a reportable  
 emissions event.  
 Failure to properly notify the Beaumont Regional Office concerning a reportable  
 emissions event.  
 Date: 01/22/2007 (536449)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 74010, Special Condition No. 3  
 Description: Failure to comply with permitted firing rate for Boiler 4.

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ISP SYNTHETIC  
ELASTOMERS LP  
RN100224799

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-0377-AIR-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ISP Synthetic Elastomers LP ("ISP") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and ISP, represented by Danny Worrell of the law firm of Brown McCarroll, L.L.P., appear before the Commission and together stipulate that:

1. ISP owns and operates a styrene butadiene rubber manufacturing facility at 1615 Main Street in Port Neches, Jefferson County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ Rules.
3. The Commission and ISP agree that the Commission has jurisdiction to enter this Agreed Order, and that ISP is subject to the Commission's jurisdiction.
4. ISP received notice of the violations alleged in Section II ("Allegations"), Paragraphs 1 and 2, on or about March 5, 2007. ISP received notice of the violation alleged in Section II ("Allegations"), Paragraph 3, on or about June 12, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by ISP of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of thirteen thousand twenty-five dollars (\$13,025.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). ISP has paid thirteen thousand twenty-five dollars (\$13,025.00) of the administrative penalty.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and ISP have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that ISP has implemented the following corrective measures at the Plant in response to this enforcement action:
  - a. On January 3, 2007, ISP conducted testing of Boiler 2.
  - b. On March 15, 2007, ISP conducted operator training to ensure that correct procedures are followed to help prevent the recurrence of emissions events similar to the February 28, 2007 event.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that ISP has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

ISP is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 122.143(4), Federal Operating Permit ("FOP") No. O-01224, General Terms and Conditions and Special Condition 11A, Air Permit No. 74010, Special Condition 6D and TEXAS HEALTH & SAFETY CODE § 382.085(b), by failing to perform testing no later than 180 days from the initial startup after conversion at Emission Point Number

("EPN") Boiler 2 from 40 Million British Thermal Units per hour ("MMBTU/hr") to a higher heat input rate, as documented during a record review conducted on January 10, 2007. Specifically, Boiler 2 had exceeded the 40 MMBTU/hr heat input rate on January 23, 2006, hence testing was required to have been done on or before July 22, 2006, but was not done until January 3, 2007.

2. 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-01224, General Terms and Conditions and Special Condition 11A, Air Permit No. 9908, Special Condition 1 and TEXAS HEALTH & SAFETY CODE § 382.085(b), by failing to prevent unauthorized emissions of 23.164 pounds ("lbs") of Butadiene and 4.54 lbs of Styrene during a twenty-five minute emissions event which occurred at a Recycle Butadiene Tank on December 24, 2006, as documented during a record review conducted on January 25, 2007. Since the emissions could have been avoided by good operation and maintenance practices, ISP failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-01224, General Terms and Conditions and Special Condition 11A, Air Permit No. 9908, Special Condition 1 and TEXAS HEALTH & SAFETY CODE § 382.085(b), by failing to prevent unauthorized emissions of 24 lbs of butadiene, and 30 lbs of styrene, that were released when ISP failed to prevent a foam-over in the Pressure Flash tank, which resulted in latex getting into the Recycle Butadiene Tanks in the tank farm, causing an emissions event that began on February 28, 2007, and lasted for one hour and thirty-five minutes (Incident No. 87760), as documented during a record review conducted on April 10, 2007. Since the emissions could have been avoided by good operation and maintenance practices, ISP failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

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

### IV. ORDER

1. It is, therefore, ordered by the TCEQ that ISP pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and ISP's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on

Environmental Quality" and shall be sent with the notation "Re: ISP Synthetic Elastomers LP, Docket No. 2007-0377-AIR-E" to:

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

2. ISP shall undertake the following technical requirements:
  - a. Within 75 days after the effective date of this Agreed Order, ISP shall implement further measures designed to prevent a recurrence of emissions events due to the same causes as the emissions events described in Section II ("Allegations"), including completion of modifications to the steam injection systems into the blow-downs by installing larger lines and check valves to prevent latex from plugging.
  - b. Within 90 days after the effective date of this Agreed Order, ISP shall submit written certification as described below, and include detailed supporting documentation of the implemented measures including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Heather Ross, Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon ISP. ISP is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If ISP fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophic, ISP's failure to comply is not a violation of this Agreed Order. ISP shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. ISP shall notify the Executive Director within seven days after ISP becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by ISP shall be made in writing to the Executive Director. Extensions are not effective until ISP receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against ISP in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to ISP, or three days after the date on which the Commission mails notice of the Order to ISP, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*[Handwritten Signature]*  
For the Executive Director

11/9/07  
Date

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

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

- A negative impact on ISP's compliance history;
- Greater scrutiny of any permit applications submitted by ISP;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against ISP;
- Automatic referral to the Attorney General's Office of any future enforcement actions against ISP; and
- TCEQ seeking other relief as authorized by law.

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

*[Handwritten Signature]*  
Signature

RON DENSMORE

Name (Printed or typed)  
Authorized representative of  
ISP Synthetic Elastomers LP

9-26-07  
Date

Site Ops MGR  
Title