EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1668-AIR-E **TCEQ ID:** RN100224799 **CASE NO.:** 34801

RESPONDENT NAME: ISP Synthetic Elastomers LP

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: ISP Synthetic Elastomers, 1215 Main Street, Port Neches, Jefferson County

TYPE OF OPERATION: Butadiene rubber manufacturing facility

SMALL BUSINESS: ___ **Yes** X **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-0377-AIR-E and 2007-1152-AIR-E.

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 January 28, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Al Carlin, Site General Manager, ISP Synthetic Elastomers LP, P.O. Box 667, Port Neches, Texas 77651
Mr. Ron Densmore, Line General Manager, ISP Synthetic Elastomers LP, P.O. Box 667, Port Neches, Texas 77651
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** August 10, 2007 **Date of NOV/NOE Relating to this Case:** October 9, 2007 (NOE) **Background Facts:** This was a routine investigation. Two violations were documented. **AIR** 1) Failure to properly notify the TCEQ Regional Office of a reportable emissions event. Specifically, the initial notification for the emissions event which occurred on July 13, 2007 at 7C Compressor Seal Water Surge Tank (Incident Number 93995), did not identify the cause and/or the actions taken to correct the emissions event and minimize the emissions [30 TEX. ADMIN. CODE §§ 101.201(a)(2)(H) and (I), 122.143(4), Federal Operating Permit ("FOP") No. O-01224, General Terms and Conditions ("GTC") and Special Condition ("SC") 2F and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to prevent unauthorized emissions of 11 pounds ("lbs") of Butadiene and ten lbs of Styrene during a thirty-minute emissions event which occurred at 7C Compressor Seal Water Surge Tank to the Wastewater Trench on July 13, 2007 (TCEQ Incident Number 93995). Since the emissions event was avoidable and improperly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 122.143(4), FOP No. O-01224, GTC and SC 11 and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $5,122 **Total Deferred:** $1,024 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $4,098 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order: i. Develop and implement procedures to ensure proper notification of future emissions events; ii. Develop and implement measures designed to prevent the recurrence of emissions events due to the same causes as emissions that occurred on the 7C Compressor Seal Water Surge Tank on July 13, 2007; and b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

Additional ID No(s).: JE0017A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision September 19, 2007*

TCEQ

DATES					
Assigned	15-Oct-2007				
PCW	18-Nov-2007	Screening	16-Oct-2007	EPA Due	12-Jul-2008

RESPONDENT/FACILITY INFORMATION

Respondent	ISP Synthetic Elastomers LP		
Reg. Ent. Ref. No.	RN100224799		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34801	No. of Violations	2
Docket No.	2007-1668-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $2,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 97% Enhancement — *Subtotals 2, 3, & 7* $2,522

Notes: Enhancement for three (3) orders with denial of liability, three (3) NOVs with same or similar violations, 11 NOVs without same or similar violations, including 10 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	$164
Approx. Cost of Compliance	$4,350

0% Enhancement* — **Capped at the Total EB $ Amount* — *Subtotal 6* $0

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $5,122

OTHER FACTORS AS JUSTICE MAY REQUIRE — 0% — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $5,122

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $5,122

DEFERRAL — 20% Reduction — *Adjustment* -$1,024

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $4,098

Screening Date 16-Oct-2007 **Docket No.** 2007-1668-AIR-E **PCW**

Respondent ISP Synthetic Elastomers LP *Policy Revision 2 (September 2002)*

Case ID No. 34801 *PCW Revision September 19, 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*)	3	15%
	Other written NOVs	11	22%
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 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%

		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) 97%

>> **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 three (3) orders with denial of liability, three (3) NOVs with same or similar violations, 11 NOVs without same or similar violations, including 10 self-reported effluent violations in the past five years at this plant.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 97%

Screening Date 16-Oct-2007 **Docket No.** 2007-1668-AIR-E **PCW**

Respondent ISP Synthetic Elastomers LP *Policy Revision 2 (September 2002)*

Case ID No. 34801 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(2)(H) and (I), 122.143(4), Federal Operating Permit ("FOP") No. O-01224, General Terms and Conditions ("GTC") and Special Condition ("SC") 2F and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to properly notify the TCEQ Regional Office of a reportable emissions event. Specifically, the initial notification for the emissions event which occurred on July 13, 2007 at 7C Compressor Seal Water Surge Tank (Incident Number 93995), did not identify the cause and/or the actions taken to correct the emissions event and minimize the emissions.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule requirement was met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended for the initial report.

Economic Benefit (EB) for this violation

Estimated EB Amount $69

Statutory Limit Test

Violation Final Penalty Total $197

This violation Final Assessed Penalty (adjusted for limits) $197

Economic Benefit Worksheet

Respondent ISP Synthetic Elastomers LP
Case ID No. 34801
Reg. Ent. Reference No. RN100224799
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$1,500	14-Jul-2007	13-Apr-2008	0.8	$56	n/a	$56
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$350	14-Jul-2007	13-Apr-2008	0.8	$13	n/a	$13

Notes for DELAYED costs: Estimated costs for plant personnel to properly file an emissions event report, and for the implementation of new plant procedures concerning emissions event reporting requirements. Date required is 24 hours after the plant discovered the event and final date is the projected date new reporting procedures will be implemented.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance $1,850

TOTAL $69

Screening Date 16-Oct-2007 **Docket No.** 2007-1668-AIR-E **PCW**

Respondent ISP Synthetic Elastomers LP *Policy Revision 2 (September 2002)*

Case ID No. 34801 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 122.143(4), FOP No. O-01224, GTC and SC 11 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of 11 pounds (lbs) of butadiene and ten lbs of styrene during a thirty-minute emissions event which occurred at 7C Compressor Seal Water Surge Tank to the Wastewater Trench on July 13, 2007 (TCEQ Incident Number 93995). Since the emissions event was avoidable and improperly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 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 $7,500

$2,500

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $94

Statutory Limit Test

Violation Final Penalty Total $4,925

This violation Final Assessed Penalty (adjusted for limits) $4,925

Economic Benefit Worksheet

Respondent ISP Synthetic Elastomers LP
Case ID No. 34801
Reg. Ent. Reference No. RN100224799
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				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	13-Jul-2007	13-Apr-2008	0.8	$94	n/a	$94

Notes for DELAYED costs: Estimated cost of properly operating and following procedures concerning the draining of compressor seal water from the Compressor Seal Water Surge Tank. Date required is the date of the emissions event related to 7C Compressor Seal Water Surge 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: $2,500

TOTAL: $94

Compliance History

Customer/Respondent/Owner-Operator:	CN602296287	ISP Synthetic Elastomers LP	Classification: AVERAGE	Rating: 2.95
Regulated Entity:	RN100224799	ISP SYNTHETIC ELASTOMERS	Classification: AVERAGE	Site Rating: 2.95

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
AIR NEW SOURCE PERMITS	REGISTRATION	82785

Location:	1215 MAIN ST, PORT NECHES, TX, 77651	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	November 18, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 10, 2003 to October 15, 2007		

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

Name: Daniel Siringi Phone: (409) 899-8799

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?	Yes
3. If Yes, who is the current owner?	ISP Synthetic Elastomers LP
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)

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	06/20/2003	(209861)
2	07/15/2003	(209865)
3	08/15/2003	(317324)
4	09/09/2003	(248149)
5	09/19/2003	(317326)
6	10/17/2003	(317328)
7	11/21/2003	(317329)
8	12/29/2003	(317330)
9	01/08/2004	(317331)
10	02/23/2004	(317314)
11	03/23/2004	(317316)
12	04/22/2004	(317317)
13	05/14/2004	(317319)
14	06/08/2004	(317321)
15	06/10/2004	(269853)
16	06/24/2004	(270422)
17	07/08/2004	(276402)
18	07/20/2004	(361297)
19	08/19/2004	(361298)
20	09/20/2004	(361299)
21	10/18/2004	(361300)
22	11/15/2004	(361302)
23	11/19/2004	(361301)
24	12/16/2004	(340680)
25	12/20/2004	(387110)
26	12/22/2004	(341349)
27	12/27/2004	(341130)
28	12/30/2004	(343962)
29	01/28/2005	(341821)
30	01/31/2005	(343500)
31	02/11/2005	(387109)
32	03/16/2005	(424886)
33	04/11/2005	(424887)
34	05/13/2005	(424890)
35	05/23/2005	(424888)
36	06/21/2005	(424889)
37	08/01/2005	(395624)
38	08/02/2005	(400369)
39	08/15/2005	(396647)
40	08/19/2005	(445521)
41	09/16/2005	(445522)
42	10/21/2005	(477097)
43	11/13/2005	(419030)
44	11/22/2005	(477098)
45	12/16/2005	(436768)
46	12/21/2005	(477099)

47	01/19/2006	(437173)
48	01/23/2006	(477100)
49	02/21/2006	(477094)
50	03/08/2006	(477096)
51	03/20/2006	(477095)
52	04/12/2006	(459529)
53	04/13/2006	(459530)
54	04/21/2006	(503826)
55	05/23/2006	(503827)
56	06/20/2006	(503828)
57	07/26/2006	(486650)
58	07/28/2006	(485738)
59	08/29/2006	(485307)
60	08/31/2006	(430976)
61	09/14/2006	(526193)
62	10/16/2006	(526192)
63	10/18/2006	(526194)
64	10/26/2006	(526195)
65	11/16/2006	(514587)
66	11/17/2006	(550491)
67	11/28/2006	(519226)
68	11/29/2006	(512633)
69	12/15/2006	(550492)
70	12/20/2006	(513048)
71	12/28/2006	(397968)
72	02/19/2007	(550490)
73	02/28/2007	(535216)
74	02/28/2007	(538053)
75	03/14/2007	(586741)
76	04/16/2007	(586742)
77	05/18/2007	(586743)
78	05/21/2007	(556351)
79	06/07/2007	(544001)
80	06/19/2007	(586744)
81	07/20/2007	(586745)
82	07/23/2007	(562476)
83	08/10/2007	(586746)
84	08/13/2007	(570926)
85	08/20/2007	(568927)
86	09/18/2007	(604787)
87	10/09/2007	(572403)
88	10/10/2007	(571949)

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)
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)
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)
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)
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)

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)
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)
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)
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

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.

Date: 05/31/2007 (586744)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/15/2007 (570926)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01224, General Terms and Conditions

Description: Failure to submit a semi-annual deviation report and annual compliance certification (ACC) within the required time-frames.

Date: 08/20/2007 (568927)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Unauthorized discharge of sulfate contaminated rainwater from a rolloff containing empty bags of Acmepon SLS (trade name).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 324, SubChapter A 324.6
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)

Description: A tote of used oil was not labeled correctly.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
ISP SYNTHETIC ELASTOMERS LP	§	
RN100224799	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1668-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ISP Synthetic Elastomers LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a butadiene rubber manufacturing facility at 1215 Main Street in Port Neches, Jefferson County, Texas (the "Plant").

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

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

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 14, 2007.

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

6. An administrative penalty in the amount of Five Thousand One Hundred Twenty-Two Dollars ($5,122) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Ninety-Eight Dollars ($4,098) of the administrative penalty and One Thousand Twenty-Four Dollars ($1,024) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this

Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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

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

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

10. 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.

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

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to properly notify the TCEQ Regional Office of a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(2)(H) and (I), 122.143(4), Federal Operating Permit ("FOP") No. O-01224, General Terms and Conditions ("GTC") and Special Condition ("SC") 2F and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 10, 2007. Specifically, the initial notification for the emissions event which occurred on July 13, 2007 at 7C Compressor Seal Water Surge Tank (Incident Number 93995), did not identify the cause and/or the actions taken to correct the emissions event and minimize the emissions.

2. Failed to prevent unauthorized emissions of 11 pounds ("lbs") of butadiene and ten lbs of styrene during a thirty-minute emissions event which occurred at 7C Compressor Seal Water Surge Tank to the Wastewater Trench on July 13, 2007 (TCEQ Incident Number 93995), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 122.143(4), FOP No. O-01224, GTC and SC 11 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 10, 2007. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ISP Synthetic Elastomers LP, Docket No. 2007-1668-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. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order:

      i. Develop and implement procedures to ensure proper notification of future emissions events;

      ii. Develop and implement measures designed to prevent the recurrence of emissions events due to the same causes as emissions that occurred on the 7C Compressor Seal Water Surge Tank on July 13, 2007; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be 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:

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 the Respondent. The Respondent 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 the Respondent 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 catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

John Sadler
For the Executive Director

Date 1/23/2008

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

Signature

Nov 28, 2007
Date

RON DENSMORE
Name (Printed or typed)
Authorized Representative of
ISP Synthetic Elastomers LP

Site General Mgr
Title

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