

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2007-1449-AIR-E **TCEQ ID:** RN100238492 **CASE NO.:** 34579
RESPONDENT NAME: GB Biosciences Corporation

ORDER TYPE:		
<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	
CASE TYPE:		
<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
<p>SITE WHERE VIOLATION(S) OCCURRED: GB Biosciences Greens Bayou Plant, 2239 Haden Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Fungicide manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Michael J. Maher, Site Manager, GB Biosciences Corporation, 2239 Haden Road, Houston, Texas 77015 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 11, 2006</p> <p>Date of NOV/NOE Relating to this Case: December 4, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to notify the Commission of a reportable emission event no later than 24 hours after the discovery of the event. Specifically, the Respondent did not report an emission event that occurred from June 2 through 8, 2005 [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4); Federal Operating Permit No. O-02264, Special Condition No. 2F; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to comply with the permitted emission limits. Specifically, during an unplanned shutdown, an automatic valve on the suction of a compressor of the chlorothalonil unit developed a leak, which resulted in an emission of 5,150 pounds of monochlorodifluoromethane ("R-22") over a 123-hour and 45-minute period from June 2 through 8, 2005, or approximately 41.6 pounds per hour. The permitted limit is 1.7 pounds per hour. Since the emission event was reported late, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.115(c); New Source Review Permit No. 234B, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Emitted unauthorized emissions of R-22. Specifically, a tube failure in a refrigeration system exchanger at the west cooling tower led to a release of 12,392</p>	<p>Total Assessed: \$23,875</p> <p>Total Deferred: \$4,775 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$9,550</p> <p>Total Paid to General Revenue: \$9,550</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Submitted notification of the reportable emission event that occurred from June 2 through 8, 2005 on December 12, 2006;</p> <p>b. Conducted additional training of staff on the reportable quantities of compounds used at the Plant and their proper reporting to the TCEQ by June 27, 2006;</p> <p>c. Replaced the automatic valve on the suction of the compressor where the leak and subsequent emissions from the June 2 through 8, 2005 event occurred by August 31, 2005; and</p> <p>d. Shut down and evacuated the refrigeration system which experienced a tube failure and subsequent emissions from the August 15, 2005 event on August 16, 2005.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment)</p>

<p>pounds of R-22 over a four-hour and 15-minute period, or approximately 2,916 pounds per hour [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].</p>		
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Additional ID No(s): HG0195U

Attachment A
Docket Number: 2007-1449-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: GB Biosciences Corporation
Payable Penalty Amount: Nineteen Thousand One Hundred Dollars (\$19,100)
SEP Amount: Nine Thousand Five Hundred Fifty Dollars (\$9,550)
Type of SEP: Pre-approved
Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP: Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	6-Sep-2007	Screening	7-Sep-2007	EPA Due	
	PCW	10-Sep-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	GB Biosciences Corporation		
Reg. Ent. Ref. No.	RN100238492		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34579	No. of Violations	3
Docket No.	2007-1449-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Lindsey Jones
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$12,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Enhancement** **Subtotals 2, 3, & 7** **\$14,500**

Notes

Culpability **Enhancement** **Subtotal 4** **\$0**

Notes

Good Faith Effort to Comply **Reduction** **Subtotal 5** **\$3,125**

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	(mark with x)

Notes

Approx. Cost of Compliance **Subtotal 6** **\$0**

0% Enhancement*
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$23,875**

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 **\$23,875**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$23,875**

DEFERRAL **Reduction** **Adjustment** **-\$4,775**

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

Notes

PAYABLE PENALTY **\$19,100**

Screening Date 7-Sep-2007

Docket No. 2007-1449-AIR-E

PCW

Respondent GB Biosciences Corporation

Policy Revision 2 (September 2002)

Case ID No. 34579

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100238492

Media [Statute] Air

Enf. Coordinator Lindsey Jones

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)	11	55%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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)	1	-1%
	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) 116%

>> **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

The penalty was enhanced due to 11 previous similar NOVs, 21 previous non-similar NOVs, and one previous 1660-style order. The penalty was reduced due to one NOA.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 116%

Screening Date 7-Sep-2007	Docket No. 2007-1449-AIR-E	PCW			
Respondent GB Biosciences Corporation	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 34579	<i>PCW Revision June 26, 2007</i>				
Reg. Ent. Reference No. RN100238492					
Media [Statute] Air					
Enf. Coordinator Lindsey Jones					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4); Federal Operating Permit No. O-02264, Special Condition No. 2F; and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to notify the commission of a reportable emission event no later than 24 hours after the discovery of the event, as documented during an investigation on October 11, 2006. Specifically, the Respondent did not report an emission event that occurred from June 2 through 8, 2005.				
Base Penalty		<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm			Percent <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="25%"/>
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
Matrix Notes	100% of the rule requirement was not met.				
Adjustment				<input type="text" value="\$7,500"/>	
<input type="text" value="\$2,500"/>					
Violation Events					
Number of Violation Events <input type="text" value="1"/>		<input type="text" value="558"/> Number of violation days			
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>		
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	x			
One single event is recommended.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$32"/>		Violation Final Penalty Total <input type="text" value="\$4,775"/>			
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$4,775"/>	

Economic Benefit Worksheet

Respondent GB Biosciences Corporation
Case ID No. 34579
Reg. Ent. Reference No. RN100238492
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
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	\$250	3-Jun-2006	12-Dec-2006	1.5	\$19	n/a	\$19
Training/Sampling	\$250	3-Jun-2006	27-Jun-2006	1.1	\$13	n/a	\$13
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 to procure proper record keeping procedures designed to submit final reports on time. Date required is date initial notification should have been submitted to the TCEQ. Final record keeping system date is the date the notifications were submitted and final training/sampling date is the date additional training was completed in order to ensure future compliance.

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

\$500

TOTAL

\$32

Screening Date 7-Sep-2007	Docket No. 2007-1449-AIR-E	PCW
Respondent GB Biosciences Corporation	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34579	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN100238492		
Media [Statute] Air		
Enf. Coordinator Lindsey Jones		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 116.115(c); New Source Review Permit No. 234B, Special Condition No. 1; and Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input 1.7="" 101.222="" 123-hour="" 2="" 2005,="" 30="" 41.6="" 45-minute="" 8,="" a="" admin.="" affirmative="" an="" and="" approximately="" code="" defense="" demonstrations="" emission="" event="" for="" from="" hour.="" in="" is="" june="" late,="" limit="" met."="" not="" or="" over="" per="" period="" permitted="" pounds="" r-22")="" reported="" since="" tex.="" the="" through="" type="text" value="Failed to comply with the permitted emission limits. Specifically, during an unplanned shutdown, an automatic valve on the suction of a compressor of the chlorothalonil unit developed a leak, which resulted in an emission of 5,150 pounds of monochlorodifluoromethane (" was="" were="" §=""/>	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	x	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
<input type="text" value="Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="6"/>
mark only one with an x daily <input type="text"/> monthly <input checked="" type="text" value="x"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input type="text"/>		Violation Base Penalty <input type="text" value="\$5,000"/>

One monthly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$18"/>	Violation Final Penalty Total <input type="text" value="\$9,550"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$9,550"/>	

Economic Benefit Worksheet

Respondent GB Biosciences Corporation
Case ID No. 34579
Reg. Ent. Reference No. RN100238492
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
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)	\$1,500	2-Jun-2005	31-Aug-2005	0.2	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost for the repair of the valve and additional improvements to equipment and/or processes. Date required is the date of the emission event and the final date is the date by which the valve was replaced.

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

\$1,500

TOTAL

\$18

Screening Date 7-Sep-2007	Docket No. 2007-1449-AIR-E	PCW		
Respondent GB Biosciences Corporation	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34579	<i>PCW Revision June 26, 2007</i>			
Reg. Ent. Reference No. RN100238492				
Media [Statute] Air				
Enf. Coordinator Lindsey Jones				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)			
Violation Description	Emitted unauthorized emissions of monochlorodifluoromethane ("R-22"). Specifically, a tube failure in a refrigeration system exchanger at the West Cooling Tower led to a release of 12,392 pounds of R-22 over a four-hour and 15-minute period from August 15 through 16, 2005, or approximately 2,916 pounds per hour.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="50%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	<input type="text" value="\$5,000"/>	
		<input type="text" value="\$5,000"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$5,000"/>	
	monthly	<input checked="" type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One monthly event is recommended.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$9,550"/>	
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$9,550"/>	

Economic Benefit Worksheet

Respondent GB Biosciences Corporation
Case ID No. 34579
Reg. Ent. Reference No. RN100238492
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
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)	\$1,500	15-Aug-2005	16-Aug-2005	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for making improvements to equipment and/or processes. Date required is the date of the emission event and the final date is the date the refrigeration system was completely evacuated to come into compliance.

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

\$1,500

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600132831	GB Biosciences Corporation	Classification: AVERAGE	Rating: 2.22
Regulated Entity:	RN100238492	GB BIOSCIENCES GREENS BAYOU PLANT	Classification: AVERAGE	Site Rating: 1.43
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0195U
	AIR OPERATING PERMITS	PERMIT		2264
	AIR OPERATING PERMITS	PERMIT		2265
	AIR OPERATING PERMITS	PERMIT		2266
	AIR OPERATING PERMITS	PERMIT		2267
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD000836486
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30552
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50205
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50205
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50205
	UTILITIES	REGISTRATION		20846
	WASTEWATER	PERMIT		WQ0000749000
	WASTEWATER	PERMIT		TX0007439000
	WASTEWATER	PERMIT		TX0007439
	AIR NEW SOURCE PERMITS	PERMIT		53291
	AIR NEW SOURCE PERMITS	PERMIT		234B
	AIR NEW SOURCE PERMITS	REGISTRATION		75886
	AIR NEW SOURCE PERMITS	REGISTRATION		70328
	AIR NEW SOURCE PERMITS	REGISTRATION		70879
	AIR NEW SOURCE PERMITS	REGISTRATION		72330
	AIR NEW SOURCE PERMITS	PERMIT		56638
	AIR NEW SOURCE PERMITS	PERMIT		55640
	AIR NEW SOURCE PERMITS	REGISTRATION		73744
	AIR NEW SOURCE PERMITS	REGISTRATION		74245
	AIR NEW SOURCE PERMITS	REGISTRATION		74243
	AIR NEW SOURCE PERMITS	REGISTRATION		74401
	AIR NEW SOURCE PERMITS	REGISTRATION		76529
	AIR NEW SOURCE PERMITS	REGISTRATION		76929
	AIR NEW SOURCE PERMITS	REGISTRATION		76871
	AIR NEW SOURCE PERMITS	REGISTRATION		77283
	AIR NEW SOURCE PERMITS	REGISTRATION		78869
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0195U
	AIR NEW SOURCE PERMITS	AFS NUM		4820100178
	AIR NEW SOURCE PERMITS	PERMIT		234B
	AIR NEW SOURCE PERMITS	PERMIT		329A
	AIR NEW SOURCE PERMITS	PERMIT		3475A
	AIR NEW SOURCE PERMITS	PERMIT		4893A
	AIR NEW SOURCE PERMITS	PERMIT		10998
	AIR NEW SOURCE PERMITS	PERMIT		10999
	AIR NEW SOURCE PERMITS	PERMIT		11974
	AIR NEW SOURCE PERMITS	PERMIT		19694
	AIR NEW SOURCE PERMITS	PERMIT		20353
	AIR NEW SOURCE PERMITS	PERMIT		31043
	AIR NEW SOURCE PERMITS	PERMIT		32348
	AIR NEW SOURCE PERMITS	REGISTRATION		74233
	AIR NEW SOURCE PERMITS	REGISTRATION		79652
	AIR NEW SOURCE PERMITS	REGISTRATION		79764
	STORMWATER	PERMIT		TXR05K501
	STORMWATER	PERMIT		TXR05T717
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)		30552
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT		50205
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT		50205

Location: 2239 HADEN RD, HOUSTON, TX, 77015
TCEQ Region: REGION 12 - HOUSTON

Rating Date: September 01 07 Repeat Violator: NO

Date Compliance History Prepared: September 05, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: September 05, 2002 to September 05, 2007
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Lindsey Jones Phone: 512-239-4930

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? No
- 3. If Yes, who is the current owner? N/A
- 4. If Yes, who was/were the prior owner(s)? N/A
- 5. When did the change(s) in ownership occur? N/A

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: 03/31/2003 ADMINORDER 2002-0346-IHW-E

Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
 40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)
 Description: Failure to dispose of hazardous waste at an authorized facility.

Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
 40 CFR Chapter 268, SubChapter I, PT 268, SubPT D 268.40(a)(1)
 Description: Failure to meet the applicable treatment standards for two shipments of hazardous waste prior to placing the waste in a land-based unit for disposal.

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	09/27/2002	(160610)	23	12/02/2003	(352576)
2	10/16/2002	(13354)	24	12/29/2003	(352578)
3	10/24/2002	(160613)	25	01/27/2004	(352579)
4	11/22/2002	(160617)	26	02/02/2004	(256975)
5	12/30/2002	(160621)	27	02/04/2004	(261192)
6	01/21/2003	(11986)	28	02/06/2004	(257595)
7	01/27/2003	(160626)	29	02/17/2004	(332786)
8	01/27/2003	(160623)	30	02/24/2004	(296391)
9	02/26/2003	(160580)	31	04/12/2004	(352565)
10	02/26/2003	(160576)	32	04/28/2004	(352566)
11	03/07/2003	(21957)	33	06/01/2004	(352567)
12	03/27/2003	(160583)	34	06/30/2004	(352568)
13	04/07/2003	(31552)	35	07/29/2004	(352569)
14	04/29/2003	(160588)	36	08/31/2004	(251123)
15	05/02/2003	(33913)	37	08/31/2004	(275101)
16	05/03/2003	(282911)	38	08/31/2004	(293139)
17	05/27/2003	(160592)	39	09/28/2004	(352573)
18	06/24/2003	(160596)	40	10/20/2004	(337330)
19	07/25/2003	(160600)	41	10/20/2004	(337332)
20	08/23/2003	(352570)	42	10/29/2004	(352575)
21	09/30/2003	(352572)	43	11/17/2004	(352571)
22	10/28/2003	(352574)	44	11/23/2004	(352577)
45	12/17/2004	(382041)	108	11/29/2006	(519696)
46	01/27/2005	(382042)	109	11/30/2006	(575744)
47	03/30/2005	(374368)	110	12/05/2006	(512461)
48	03/31/2005	(382040)	111	12/08/2006	(519510)

49	04/04/2005	(372772)	112	12/13/2006	(532415)
50	04/26/2005	(382039)	113	01/03/2007	(575746)
51	04/29/2005	(430090)	114	01/23/2007	(575747)
52	05/19/2005	(350373)	115	01/25/2007	(534799)
53	05/31/2005	(430091)	116	02/05/2007	(593185)
54	07/01/2005	(430092)	117	02/08/2007	(534179)
55	07/20/2005	(399528)	118	02/15/2007	(539383)
56	07/22/2005	(401498)	119	03/05/2007	(575736)
57	07/27/2005	(402095)	120	03/28/2007	(575737)
58	07/29/2005	(402512)	121	04/02/2007	(575745)
59	07/29/2005	(402166)	122	04/19/2007	(557180)
60	07/31/2005	(430093)	123	04/27/2007	(575738)
61	08/05/2005	(403526)	124	05/11/2007	(557189)
62	08/12/2005	(403025)	125	05/11/2007	(556658)
63	08/15/2005	(404708)	126	05/29/2007	(575739)
64	08/15/2005	(405159)	127	06/20/2007	(575740)
65	08/17/2005	(405553)	128	06/29/2007	(593186)
66	08/17/2005	(405266)	129	07/18/2007	(563511)
67	08/20/2005	(441006)	130	07/18/2007	(575741)
68	08/22/2005	(406432)	131	08/06/2007	(568504)
69	08/25/2005	(405395)	132	08/13/2007	(566666)
70	08/26/2005	(406609)	133	08/22/2007	(532550)
71	08/29/2005	(418272)	134	08/22/2007	(571189)
72	08/31/2005	(402813)			
73	08/31/2005	(402774)			
74	08/31/2005	(402815)			
75	08/31/2005	(403022)			
76	08/31/2005	(402816)			
77	08/31/2005	(402793)			
78	08/31/2005	(403069)			
79	09/08/2005	(418477)			
80	09/08/2005	(406741)			
81	10/03/2005	(441007)			
82	10/31/2005	(468742)			
83	10/31/2005	(468743)			
84	10/31/2005	(441008)			
85	10/31/2005	(435384)			
86	12/09/2005	(438814)			
87	12/22/2005	(468744)			
88	01/17/2006	(437964)			
89	01/30/2006	(468745)			
90	02/03/2006	(439429)			
91	02/28/2006	(468740)			
92	03/30/2006	(468741)			
93	04/18/2006	(457515)			
94	05/02/2006	(498417)			
95	05/11/2006	(508617)			
96	05/31/2006	(462939)			
97	06/01/2006	(498418)			
98	07/05/2006	(498419)			
99	07/28/2006	(520421)			
100	08/18/2006	(530971)			
101	08/28/2006	(510079)			
102	08/29/2006	(520422)			
103	10/03/2006	(575742)			
104	10/12/2006	(512488)			
105	10/20/2006	(512619)			
106	10/26/2006	(513836)			
107	11/02/2006	(575743)			

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

Date 02/04/2004 (261192)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 234B, Special Condition 3F

Description: OP O-02264, Special Condition 8
 failure to remonitor 32 components within 15 days of being replaced.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT 234B, Special Condition 3E
 OP O-02264, Special Condition 8
 Description: failure to equip 6 open lines with a cap, blind flange, plug or second valve.

Date 02/17/2004 (332786)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: SPECIFIC NON-RPT VIOLATION

Date 08/31/2004 (352573)
 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 08/31/2004 (251123)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(c)
 Description: failure to submit notification of Off-Permit Changes seven days in advance of the proposed changes.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
 Description: failure to submit notification of Off-Permit changes effecting Title V Permit No. O-02266 on the date concurrent with the changes

Date 08/31/2004 (293139)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(c)
 Description: failure to submit notification of Operational Flexibility Changes effecting Title V Permit No. O-02264 7 days in advance of the proposed change.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
 Description: failure to submit notification of Operational Flexibility Permit changes that effect Title V Permit No. O-02264 on the date concurrent with the changes.

Date 09/30/2004 (352575)
 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 10/31/2004 (352577)
 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 12/31/2004 (382042)
 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 01/31/2005 (382039)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]
 Failure to meet the limit for one or more permit parameter

Date 02/28/2005 (382040)
 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 03/31/2005 (430090)
 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 03/31/2005 (374368)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(c)
 Description: failure to notify the TCEQ of operational flexibility changes seven (7) days in advance of the date of the proposed changes.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
 Description: failure to submit Title V Off-Permit changes on the date concurrent with the date of the change.

Date 04/04/2005 (372772)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.203(a)[G]
 Description: Failure to operate engine F3-E5592 at or less than 100 hours annually for testing and maintenance, resulting in unauthorized emissions.

Date 04/30/2005 (430091)
 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 05/19/2005 (350373)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
 Rqmt Prov: PERMIT II.C.1.h.
 Description: Failure to maintain an up-to-date Notice of Registration.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174
 Rqmt Prov: PERMIT III.D.
 Description: Failure to inspect the Central Container Storage Area (NOR 017, Permit No. 001) at least weekly.
 Self Report? NO Classification: Minor
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.75[G]
 Rqmt Prov: PERMIT II.B.7.
 Description: Failure to submit the Biennial Report.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(3)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.53(b)
 Rqmt Prov: PERMIT II.C.1.k.
 Description: Failure to have documentation showing the contingency plan was distributed.

Date 05/31/2005 (430092)
 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 06/30/2005 (430093)

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 07/31/2005 (441006)

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 08/15/2005 (403025)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT No. 4893A, GC 8
OP No. O-02266, SC 9A

Description: failure to operate within the CO, NOx, PM10, and VOC limits specified in the Maximum Allowable Emission Rate Table to NSR Permit No. 4893A

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT No. 4893A, GC 8
OP No. O-0-2266, SC 9A

Description: failure to operate within the NH3 and VOC limits specified in the Maximum Allowable Emission Rate Table of NSR Permit No. 4893A.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)(1)(A)(I)(II)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP No. O-02266, 1D

Description: failure to operate and maintain a totalizing fuel flow meter to a process heater

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP No. O-02266, SC 1D

Description: failure to maintain records of fuel usage to process heater BA201S.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(d)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP No. O-02266, SC 2E

Description: failure to submit a certifying statement with the 2003 emission inventory.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT No. 4893A, SC10B(3)
OP No. O-02266, SC 9A

Description: failure to maintain all the required records of audio, visual and olfactory monitoring of NH3.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP No. O-02266, SC 1D

Description: failure to keep records of the start and end times of the testing and maintenance running of two stationary diesel engines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(f)

Rqmt Prov: PERMIT No 4893A, SC 5
OP No. O-02266, SC 9A

Description: failure to monitor the heat exchange system to the IPN Unit for HAP emissions.

Date 08/23/2005 (405395)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to comply with permitted effluent limits for cyanide daily max and cyanide daily average.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to analyze volatile organic aromatics (VOAs) within hold time.

Date 02/03/2006 (439429)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(d)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP No. O-02267, Special Condition 2E

Description: Failure to include a certifying statement with the 2003 Annual Emission Inventory.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP No. O-02267, SC 9

Description: failed to operate the Supplemental Carbon Adsorption System as represented in the permit application for Standard Permit No. 72159.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP No. O-02267, SC 5D

Description: failed to keep records of the run times of the diesel engines that drive the Industrial Water Emergency Generator and the Dacthal Unit Emergency Generator.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP No. O-02267, SC 9

Description: failed to keep records of hours of operation and paint usage to the paint yard as required by Standard Exemption # 75.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.217(a)(2)

Description: failed to submit notification of the West Cooling Tower becoming subject to the requirements of 40 CFR Part 63, Subpart MMM by the required deadline.

Date 03/31/2006 (498417)

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 04/19/2006 (457515)

Self Report? NO Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: PERMIT 4893A, SC10A
OP O-02266, SC 1A and 9

Description: Failure to record audio, visual, and olfactory checks for ammonia every four hours.

Self Report? NO Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: PERMIT 4893A, SC 2
OP O-02266, SC 1A and 9

Description: Failure to operate IPN incinerator with more than 2% excess oxygen in the combustion chamber.

Date 05/11/2006 (508617)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT. VIOS FOR MONIT PER OR PIPE

Date 08/18/2006 (530971)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 10/20/2006 (512619)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02265, SC 3(B)(iii)

Description: Failure to perform annual visible emissions monitoring for three stationary vent stacks, during the permit compliance certification period,

Date 12/11/2006 (519510)

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: PA TCEQ Air Permit No. 234B, SC No. 1

Description: Failed to prevent a leak on the plug valve on the Chlorine/HCL Spiltter distillation column, resulting in unauthorized emissions.

Date 12/13/2006 (532415)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 234B

Description: GBB failed to prevent the emissions event.

Date 01/16/2007 (534179)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(7)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: GBB failed to prevent the opacity event.

Date 01/25/2007 (534799)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 234B, Special Condition No. 1

Description: GBB failed to prevent the emissions event.

Date 02/05/2007 (593185)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 06/29/2007 (593186)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

F. Environmental audits.

Notice of Intent Date: 08/06/2007 (574295)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GB BIOSCIENCES CORPORATION
RN100238492

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§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1449-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 GB Biosciences Corporation ("GB Biosciences") 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 GB Biosciences appear before the Commission and together stipulate that:

1. GB Biosciences owns and operates a fungicide manufacturing plant at 2239 Haden Road in Houston, Harris 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 GB Biosciences agree that the Commission has jurisdiction to enter this Agreed Order, and that GB Biosciences is subject to the Commission's jurisdiction.
4. GB Biosciences received notice of the violations alleged in Section II ("Allegations") on or about December 9, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by GB Biosciences of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Three Thousand Eight Hundred Seventy-Five Dollars (\$23,875) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). GB Biosciences has paid Nine Thousand Five Hundred Fifty Dollars (\$9,550) of the administrative penalty and Four Thousand Seven Hundred Seventy-Five Dollars (\$4,775) is

deferred contingent upon GB Biosciences' 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 GB Biosciences fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require GB Biosciences to pay all or part of the deferred penalty. Nine Thousand Five Hundred Fifty Dollars (\$9,550) shall be conditionally offset by GB Biosciences' completion of a Supplemental Environmental Project.

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 GB Biosciences 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 GB Biosciences has implemented the following corrective measures at the Plant:
 - a. Submitted notification of the reportable emission event that occurred from June 2 through 8, 2005 on December 12, 2006;
 - b. Conducted additional training of staff on the reportable quantities of compounds used at the Plant and their proper reporting to the TCEQ by June 27, 2006;
 - c. Replaced the automatic valve on the suction of the compressor where the leak and subsequent emissions from the June 2 through 8, 2005 event occurred by August 31, 2005; and
 - d. Shut down and evacuated the refrigeration system which experienced a tube failure and subsequent emissions from the August 15, 2005 event on August 16, 2005.
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 GB Biosciences 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

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

1. Failed to notify the Commission of a reportable emission event no later than 24 hours after the discovery of the event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4); Federal Operating Permit No. O-02264, Special Condition No. 2F; and TEX. HEALTH & SAFETY

CODE § 382.085(b), as documented during an investigation conducted on October 11, 2006. Specifically, GB Biosciences did not report an emission event that occurred from June 2 through 8, 2005.

2. Failed to comply with the permitted emission limits, in violation of 30 TEX. ADMIN. CODE § 116.115(c); New Source Review Permit No. 234B, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 11, 2006. Specifically, during an unplanned shutdown, an automatic valve on the suction of a compressor of the chlorothalonil unit developed a leak, which resulted in an emission of 5,150 pounds of monochlorodifluoromethane ("R-22") over a 123-hour and 45-minute period from June 2 through 8, 2005, or approximately 41.6 pounds per hour. The permitted limit is 1.7 pounds per hour. Since the emission event was reported late, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
3. Emitted unauthorized emissions of R-22, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on October 11, 2006. Specifically, a tube failure in a refrigeration system exchanger at the west cooling tower led to a release of 12,392 pounds of R-22 over a four-hour and 15-minute period, or approximately 2,916 pounds per hour.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that GB Biosciences pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and GB Biosciences' 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: GB Biosciences Corporation, Docket No. 2007-1449-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. GB Biosciences shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Five Hundred Fifty Dollars (\$9,550) of the assessed administrative penalty shall be offset with the condition that GB Biosciences implement the SEP defined in Attachment A, incorporated herein by reference. GB Biosciences' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon GB Biosciences. GB Biosciences 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 GB Biosciences 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, GB Biosciences' failure to comply is not a violation of this Agreed Order. GB Biosciences shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. GB Biosciences shall notify the Executive Director within seven days after GB Biosciences 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 GB Biosciences shall be made in writing to the Executive Director. Extensions are not effective until GB Biosciences 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 GB Biosciences 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 GB Biosciences, or three days after the date on which the Commission mails notice of the Order to GB Biosciences, 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 Szellin
For the Executive Director

3/7/2008
Date

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.

MJ Maher
Signature

11/20/07
Date

MICHAEL J. MAHER
Name (Printed or typed)
Authorized Representative of
GB Biosciences Corporation

SITE MANAGER
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.

W. J. D. 1000

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Attachment A
Docket Number: 2007-1449-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: GB Biosciences Corporation

Payable Penalty Amount: Nineteen Thousand One Hundred Dollars (\$19,100)

SEP Amount: Nine Thousand Five Hundred Fifty Dollars (\$9,550)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Location of SEP: Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. This includes both traditional manual methods and modern digital technologies.

3. The third part of the document details the specific procedures and protocols that must be followed to ensure the integrity and reliability of the data. This includes steps for data collection, storage, and analysis.

4. The fourth part of the document discusses the challenges and risks associated with data management and analysis. It highlights the need for robust security measures and regular updates to the data management system.

5. The fifth part of the document provides a summary of the key findings and conclusions from the study. It emphasizes the importance of continuous monitoring and improvement of the data management process.

6. The sixth part of the document discusses the implications of the findings for the organization's overall strategy and operations. It suggests ways in which the data management process can be optimized to support the organization's goals.

7. The seventh part of the document provides a list of references and sources used in the study. This includes academic journals, books, and other relevant documents.

8. The eighth part of the document provides a list of appendices and supplementary materials. This includes additional data, charts, and tables that support the main findings of the study.

9. The ninth part of the document provides a list of acknowledgments and thanks to the individuals and organizations that supported the study. This includes funding agencies, colleagues, and family members.

10. The tenth part of the document provides a list of contact information for the authors and the organization. This includes email addresses, phone numbers, and website URLs.

11. The eleventh part of the document provides a list of definitions and abbreviations used throughout the document. This helps to ensure that all readers have a clear understanding of the terminology used.

12. The twelfth part of the document provides a list of references and sources used in the study. This includes academic journals, books, and other relevant documents.

13. The thirteenth part of the document provides a list of appendices and supplementary materials. This includes additional data, charts, and tables that support the main findings of the study.

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17. The seventeenth part of the document provides a list of references and sources used in the study. This includes academic journals, books, and other relevant documents.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

