

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-0217-AIR-E **TCEQ ID:** RN100825272 **CASE NO.:** 35333

**RESPONDENT NAME:** ISP Technologies Inc.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> ISP Technologies Texas City Plant, 4501 Attwater Avenue, Texas City, Galveston County</p> <p><b>TYPE OF OPERATION:</b> Specialty chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action, Docket No. 2007-1839-AIR-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 14, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. David Pastalaniec, Safety &amp; Environmental Manager, ISP Technologies Inc., 4501 Attwater Avenue, Texas City, Texas 77590  Mr. Jay Bizallo, Site General Manager, ISP Technologies Inc., 4501 Attwater Avenue, Texas City, Texas 77590  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> December 20, 2007</p> <p><b>Date of NOE Relating to this Case:</b> January 16, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>1) Failure to prevent the release of unauthorized air contaminants into the atmosphere. Specifically, 297 pounds of vinylpyrrolidone was emitted into the air during an emissions event that occurred on October 5, 2007, lasting 10 minutes. Since the emissions event was avoidable, an affirmative defense as defined by 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 22079, Special Condition 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to report an emissions event timely. Specifically, the final report for Incident No. 98382, which occurred on October 5, 2007, was due October 19, 2007, but was not submitted until October 20, 2007 [30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$3,562</p> <p><b>Total Deferred:</b> \$712  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$1,425</p> <p><b>Total Paid to General Revenue:</b> \$1,425</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) Corrective action was taken to instruct personnel to facilitate timely final report submission on October 20, 2007; and</p> <p>b) Plant personnel were retrained on the batch processing procedures by October 30, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

Additional ID No(s): GB0028U

Attachment A  
Docket Number: 2008-0217-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** ISP Technologies Inc.

**Payable Penalty Amount:** Two Thousand Eight Hundred Fifty Dollars (\$2,850)

**SEP Amount:** One Thousand Four Hundred Twenty-Five Dollars (\$1,425)

**Type of SEP:** Pre-approved

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

**Location of SEP:** Galveston 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 Galveston 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.



ISP Technologies Inc.  
Agreed Order - Attachment A

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 January 29, 2008

<b>DATES</b>	<b>Assigned</b>	22-Jan-2008	<b>Screening</b>	31-Jan-2008	<b>EPA Due</b>	13-Oct-2008
	<b>PCW</b>	11-Feb-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	ISP Technologies Inc.
<b>Reg. Ent. Ref. No.</b>	RN100825272
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35333	<b>No. of Violations</b>	2
<b>Docket No.</b>	2008-0217-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	J. Craig Fleming
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### 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**

**Notes** An enhancement is recommended for having seven NOV's that are same/similar, four NOV's that are non-similar, one Agreed Order with denial, and one letter of intended audit.

**Culpability**   Enhancement **Subtotal 4**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**  Reduction **Subtotal 5**

Before NOV      NOV to EDCRP/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** The Respondent came into compliance October 30, 2007.

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

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

<b>Screening Date</b> 31-Jan-2008	<b>Docket No.</b> 2008-0217-AIR-E	<b>PCW</b>
<b>Respondent</b> ISP Technologies Inc.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35333	<i>PCW Revision January 29, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100825272		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> J. Craig Fleming		

### 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 ( <i>number of NOVs meeting criteria</i> )	7	35%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 62%

>> Repeat Violator (Subtotal 3)

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

>> Compliance History Person Classification (Subtotal 7)

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

>> Compliance History Summary

**Compliance History Notes** An enhancement is recommended for having seven NOVs that are same/similar, four NOVs that are non-similar, one Agreed Order with denial, and one letter of intended audit.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 62%

**Screening Date** 31-Jan-2008 **Docket No.** 2008-0217-AIR-E **PCW**  
**Respondent** ISP Technologies Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 35333 *PCW Revision January 29, 2008*  
**Reg. Ent. Reference No.** RN100825272  
**Media [Statute]** Air  
**Enf. Coordinator** J. Craig Fleming

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Permit No. 22079, Special Condition 1  
**Violation Description** Failed to prevent the release of unauthorized air contaminants into the atmosphere. Specifically, 297 pounds of vinylpyrrolidone was emitted into the air during an emissions event that occurred on October 5, 2007, lasting 10 minutes. Since the emissions event was avoidable, an affirmative defense as defined by 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense was not met.

**Base Penalty**

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

**Matrix Notes** Emissions above the permitted limit have exposed human health or the environment to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent: ISP Technologies Inc.  
 Case ID No. 35333  
 Reg. Ent. Reference No. RN100825272  
 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
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No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	5-Oct-2007	30-Oct-2007	0.1	\$0	n/a	\$0
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**  
 The approximate cost to develop and implement operating procedures to abate emissions in a timely manner in order to minimize the release of unauthorized air emissions. The Date Required was the date when the violation occurred. The Final Date is the compliance date.

### 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**  
 NA

Approx. Cost of Compliance	\$100	<b>TOTAL</b>	\$0
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**Screening Date** 31-Jan-2008 **Docket No.** 2008-0217-AIR-E **PCW**  
**Respondent** ISP Technologies Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 35333 *PCW Revision January 29, 2008*  
**Reg. Ent. Reference No.** RN100825272  
**Media [Statute]** Air  
**Enf. Coordinator** J. Craig Fleming

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 101.201(b), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to report an emissions event timely. Specifically, the final report for Incident No. 98382, which occurred on October 5, 2007, was due October 19, 2007, but was not submitted until October 20, 2007.

**Base Penalty**

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>

**Matrix Notes** Greater than 70 % of the rule requirement was met.

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

One single event is recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** ISP Technologies Inc.  
**Case ID No.** 35333  
**Reg. Ent. Reference No.** RN100825272  
**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**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$100	19-Oct-2007	20-Oct-2007	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)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The approximate cost to train personnel on how to use the automated reporting system to ensure that all emissions events are reported timely and accurately. The Date Required was the date the final report was due. The Final Date is the date the final report was submitted.

**Avoided Costs**

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

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

NA

Approx. Cost of Compliance \$100

TOTAL \$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN600505580	ISP Technologies, Inc.	Classification: AVERAGE	Rating: 1.95
Regulated Entity:	RN100825272	ISP TECHNOLOGIES TEXAS CITY PLANT	Classification: AVERAGE	Site Rating: 1.96
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0028U	
	AIR OPERATING PERMITS	PERMIT	1592	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD044452324	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30037	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50389	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW034	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW114	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW113	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW299	
	AIR NEW SOURCE PERMITS	PERMIT	81157	
	AIR NEW SOURCE PERMITS	PERMIT	50129	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0028U	
	AIR NEW SOURCE PERMITS	PERMIT	1795	
	AIR NEW SOURCE PERMITS	PERMIT	10583	
	AIR NEW SOURCE PERMITS	PERMIT	12813	
	AIR NEW SOURCE PERMITS	PERMIT	6918A	
	AIR NEW SOURCE PERMITS	PERMIT	7121A	
	AIR NEW SOURCE PERMITS	PERMIT	20088	
	AIR NEW SOURCE PERMITS	PERMIT	22079	
	AIR NEW SOURCE PERMITS	PERMIT	30744	
	AIR NEW SOURCE PERMITS	PERMIT	35466	
	AIR NEW SOURCE PERMITS	PERMIT	39163	
	AIR NEW SOURCE PERMITS	PERMIT	42271	
	AIR NEW SOURCE PERMITS	PERMIT	44467	
	AIR NEW SOURCE PERMITS	PERMIT	44593	
	AIR NEW SOURCE PERMITS	PERMIT	44609	
	AIR NEW SOURCE PERMITS	PERMIT	44893	
	AIR NEW SOURCE PERMITS	PERMIT	46699	
	AIR NEW SOURCE PERMITS	PERMIT	47430	
	AIR NEW SOURCE PERMITS	PERMIT	47811	
	AIR NEW SOURCE PERMITS	PERMIT	48145	
	AIR NEW SOURCE PERMITS	PERMIT	48248	
	AIR NEW SOURCE PERMITS	PERMIT	48631	
	AIR NEW SOURCE PERMITS	PERMIT	48660	
	AIR NEW SOURCE PERMITS	PERMIT	49865	
	AIR NEW SOURCE PERMITS	REGISTRATION	75593	
	AIR NEW SOURCE PERMITS	REGISTRATION	75510	
	AIR NEW SOURCE PERMITS	PERMIT	55847	
	AIR NEW SOURCE PERMITS	AFS NUM	4816700003	
	AIR NEW SOURCE PERMITS	REGISTRATION	56841	
	AIR NEW SOURCE PERMITS	PERMIT	56618	
	AIR NEW SOURCE PERMITS	PERMIT	56632	
	AIR NEW SOURCE PERMITS	REGISTRATION	71570	
	AIR NEW SOURCE PERMITS	REGISTRATION	71136	
	AIR NEW SOURCE PERMITS	PERMIT	54635	
	AIR NEW SOURCE PERMITS	REGISTRATION	71769	
	AIR NEW SOURCE PERMITS	REGISTRATION	72546	
	AIR NEW SOURCE PERMITS	PERMIT	72872	
	AIR NEW SOURCE PERMITS	REGISTRATION	74026	
	AIR NEW SOURCE PERMITS	PERMIT	73717	
	AIR NEW SOURCE PERMITS	PERMIT	74486	
	AIR NEW SOURCE PERMITS	REGISTRATION	77635	
	AIR NEW SOURCE PERMITS	REGISTRATION	76692	
	AIR NEW SOURCE PERMITS	REGISTRATION	78465	
	AIR NEW SOURCE PERMITS	REGISTRATION	78477	
	AIR NEW SOURCE PERMITS	REGISTRATION	79363	
	AIR NEW SOURCE PERMITS	REGISTRATION	79138	
	AIR NEW SOURCE PERMITS	REGISTRATION	80456	

AIR NEW SOURCE PERMITS REGISTRATION 81119  
AIR NEW SOURCE PERMITS REGISTRATION 81295

AIR NEW SOURCE PERMITS REGISTRATION 81983  
IHW CORRECTIVE ACTION SOLID WASTE 30037  
INDUSTRIAL AND HAZARDOUS WASTE REGISTRATION # (SWR) PERMIT 50389  
POST CLOSURE

Location: 4501 ATTWATER AVE, TEXAS CITY, TX, 77590 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 29, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 29, 2003 to January 29, 2008

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

Name: J. Craig Fleming Phone: (512) 239-5806

### 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: 11/06/2005 ADMINORDER 2005-0468-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ Air Permit #20088, SC#1 PERMIT  
Description: Failed to comply with emissions limits stated in the Maximum Allowable Emissions Rate table.

- 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	02/26/2003	(26206)
2	02/26/2003	(26209)
3	02/26/2003	(26188)
4	02/26/2003	(26202)
5	03/01/2003	(25221)
6	03/01/2003	(25299)
7	03/01/2003	(25283)
8	03/01/2003	(25266)
9	03/28/2003	(29002)
10	03/28/2003	(28384)
11	03/28/2003	(28442)
12	03/28/2003	(28445)
13	05/02/2003	(27551)

14	05/12/2003	(36299)
15	05/20/2003	(37953)
16	05/20/2003	(37952)
17	08/26/2003	(119365)
18	01/26/2004	(260022)
19	02/06/2004	(261156)
20	03/04/2004	(263855)
21	03/04/2004	(263871)
22	03/04/2004	(263895)
23	03/05/2004	(252620)
24	03/10/2004	(264965)
25	03/22/2004	(265920)
26	03/26/2004	(265532)
27	03/26/2004	(265537)
28	03/26/2004	(265529)
29	03/26/2004	(265542)
30	04/16/2004	(266625)
31	04/16/2004	(266591)
32	05/03/2004	(269985)
33	05/03/2004	(269980)
34	05/03/2004	(269956)
35	05/21/2004	(272704)
36	08/31/2004	(270442)
37	11/18/2004	(341530)
38	11/22/2004	(339091)
39	01/10/2005	(342232)
40	02/10/2005	(348498)
41	02/18/2005	(346722)
42	02/23/2005	(351161)
43	02/23/2005	(351156)
44	02/23/2005	(351150)
45	03/22/2005	(372649)
46	03/30/2005	(373547)
47	03/30/2005	(373543)
48	03/30/2005	(373542)
49	03/30/2005	(373532)
50	05/16/2005	(379610)
51	05/16/2005	(379614)
52	05/24/2005	(379117)
53	05/24/2005	(379134)
54	05/24/2005	(379123)
55	08/27/2005	(399072)
56	10/05/2005	(432711)
57	01/23/2006	(451843)
58	03/10/2006	(456590)
59	03/10/2006	(456751)
60	03/10/2006	(456594)
61	03/10/2006	(453284)
62	04/04/2006	(458179)
63	04/04/2006	(458184)
64	04/04/2006	(458182)
65	04/07/2006	(454670)
66	04/17/2006	(459944)
67	04/17/2006	(459905)
68	04/17/2006	(459941)
69	04/17/2006	(459942)
70	05/12/2006	(463098)
71	05/12/2006	(463099)
72	05/12/2006	(463102)
73	07/05/2006	(462390)
74	08/07/2006	(459888)
75	08/29/2006	(456599)
76	09/07/2006	(487830)

77 10/16/2006 (511647)  
78 10/16/2006 (511635)  
79 01/04/2007 (533630)  
80 01/10/2007 (534920)  
81 01/16/2007 (531454)  
82 01/30/2007 (537480)  
83 01/31/2007 (534825)  
84 02/28/2007 (539514)  
85 04/05/2007 (556103)  
86 04/12/2007 (553962)  
87 04/12/2007 (543323)  
88 04/12/2007 (553965)  
89 04/12/2007 (543315)  
90 04/12/2007 (553959)  
91 04/12/2007 (543334)  
92 04/12/2007 (553961)  
93 04/16/2007 (542049)  
94 04/25/2007 (554932)  
95 05/14/2007 (559039)  
96 05/14/2007 (559044)  
97 05/14/2007 (559042)  
98 05/16/2007 (556056)  
99 08/17/2007 (568701)  
100 10/25/2007 (597576)  
101 11/13/2007 (600543)  
102 11/16/2007 (600672)  
103 11/30/2007 (596064)  
104 01/08/2008 (600702)  
105 01/16/2008 (613311)  
106 01/23/2008 (614942)

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

Date 05/06/2003 (27551)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
Rqmt Prov: PERMIT 46956  
Description: Failure to operate spray dryer in such a manner such that the permit allowable PM emission rate is not exceeded. This constitutes a violation of Texas Administrative Code Title 30 Chapter 116.115(b)(2)(G).

Date 08/26/2003 (119365)  
Self Report? NO Classification Moderate  
Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)  
Rqmt Prov: PERMIT VI.B(1)(b)  
Description: The installation of seven (7) new monitor wells (MW-7LF through MW-13 LF) occurred in December 2002. The allowed screened interval was 15 feet. All wells exceeded that screen length.

Date 08/27/2005 (399072)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT TCEQ Air Permit #22079 SC 7  
Description: During the investigation on July 6, 2005, it was documented that ISP failed to use the PVP VOC Scrubber to remove VOC emissions from bulk loading of alcohol based products.

Date 08/30/2005 (399072)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: During the investigation on July 6, 2005, it was documented that ISP failed to route NH4OH Tank T162/3211 to scrubber 162/3400 during NH4OH production.

Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: During the investigation on July 6, 2005, it was documented that ISP failed to maintain proper flow rates fro the scrubber recirculation an make-up water in the PVP VOC Scrubber.

Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: During the investigation on July 6, 2005, it was documented that ISP exceeded the Maximum Allowable Emissions Rate Table (MAERT) allowances for TCEQ Air Permit 22079, Permit 20088 and Permit 71570.

Self Report? NO Classification Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: During the investigation on July 6, 2005, it was documented that ISP has failed to obtain prior authorization for emissions generated by pressuring up transportation vessels in order to facilitate unloading and then venting pressure to the atmosphere, and for Dry Abrasive blasting.

Date 07/05/2006 (462390)

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit #22079 SC 9

Description: Failed to use the PVP VOC Scrubber to remove VOC emissions

Self Report? NO Classification Minor

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

Rqmt Prov: PERMIT TCEQ Air Permit #22079 SC 9

Description: Failed to maintain daily Scrubber records for for two years as required

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit #22079 SC 8

Description: Failed to maintain spray dryer recirculation water pressure as required

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit #22079 SC 8

Description: Failed to maintain spray dryer differential pressure as required

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit #22079 SC 5

Description: Failed to require that loading emission from filling the vinyl acetate storage tank be controlled by a vapor balance return line

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failed to maintain daily notations

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit # 55847 SC 5  
PERMIT TCEQ Air Permit # 56624 SC 4E  
PERMIT TCEQ Air Permit #20088 SC 5

Description: Failed to maintain open-ended-lines as required

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failed to complete final reports for non-reportable upsets

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)

Description: Failed to submit compliance certification to the EPA Administrator

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.205(f)(1)

Description: Failed to limit CO emissions as required

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit #56632 SC 7

Description: Failed to monitor cooling tower water as required

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit #22079 SC 9

Description: Failed to maintain scrubber recirculation rate as required

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit #22079 SC 10C

Description: Failed to maintain NH4OH batch records

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit #22079 SC 10H

Description: Failed to maintain NH4OH batch records as required

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 20088 SC 6 PERMIT TCEQ Air Permit # 22079 SC 12 PERMIT TCEQ Air Permit # 55847 SC 7 PERMIT TCEQ Air Permit # 56624 SC 4 PERMIT TCEQ Air Permit # 56632 SC 4		
Description:	Failed to conduct 3rd quarter fugitive components monitoring as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 22079 SC 12I PERMIT TCEQ Air Permit # 55847 SC 7I PERMIT TCEQ AIR Permit # 56624 SC 4H		
Description:	Failed to record that leak repairs as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 20088 SC 6F PERMIT TCEQ Air Permit # 56624 SC 4F		
Description:	Failed to use the directed maintenance program as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 56632 SC 2B		
Description:	Failed to maintain tank production/throughput records as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 56632 SC 2B		
Description:	Failed to maintain tank production/throughput records as required		
Date	08/08/2006	(459888)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT Special Condition No. 11C		
Description:	RE failed to meet the 90 day deadline for testing the ammonium hydroxide tank vent.		
Date	10/16/2006	(511647)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b) PERMIT TCEQ Air Permit #55847, SC #1		
Description:	ISP failed to prevent a pinhole leak in a pipe due to corrosion.		
Date	10/16/2006	(511635)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b) PERMIT TCEQ AIR PERMIT #20088, SC #1		
Description:	ISP failed to properly align a valve which resulted in unauthorized emissions.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 30 TAC Chapter 101, SubChapter F 101.201(b)		
Description:	ISP failed to submit the initial notification and final report in a timely manner.		
Date	01/04/2007	(533630)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	OP Air Permit #20088 SC 1		
Description:	TCEQ Air Permit #20088 SC 1 only authorizes emissions from those points listed in the Maximum Allowable Emission Rates table.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	OP Air Permit #56632 SC 8		
Description:	TCEQ Air Permit #56632 SC 8 states that the cooling water shall be sampled every seven days for total dissolved solids.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 106, SubChapter T 106.452(2)(A)		
Description:	30 Tex. Admin. Code §106.452(2)(A) states that outside blast cleaning abrasive usage rate shall not exceed 150 tons per year, 15 tons per month, and one ton per day.		
Self Report?	NO	Classification	Minor

Citation:	30 TAC Chapter 117, SubChapter B 117.219(f)(10)		
Description:	30 TAC §117.219(f)(10) states that for each stationary diesel or dual-fuel engine in the Houston/Galveston ozone nonattainment area, records shall be maintained for each time the engine is operated for testing and maintenance.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT Air Permit # 7121A SC # 6		
Description:	TCEQ Air Permit # 7121A SC 6 states that the tanks and loading on this permit are limited to storing the chemicals and throughputs represented in the permit application.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	OP TCEQ Air Permit 7121A SC 6		
Description:	TCEQ Air Permit # 22079 SC 10C states that records shall be kept for temperature in the ammonium hydroxide tank at the start and end of each batch operation.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	OP TCEQ Air Permit #22079 SC 10H		
Description:	TCEQ Air Permit #22079 SC 10H states that records shall be kept total pounds of NH3 charged to the tank for each batch operation.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)		
Description:	30 TAC §101.201(a)(1)(B) states that no later than 24 hours after the discovery of an emissions event, the owner or operator of a regulated entity shall notify the commission.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(1)		
Rqmt Prov:	ORDER HRVOC Compliance Agreement, Condition 3		
Description:	TCEQ HRVOC Compliance Agreement Condition 3 states that ISP shall conduct manual monitoring of the VP Reaction Unit cooling water return line to the No. 1 Cooling Tower for HRVOC emissions on a weekly basis.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	OP Air Permit #55632 SC 9		
Description:	TCEQ Air Permit #55632 SC 9 states that emissions from the Emergency Firewater Pump are only authorized for periodic maintenance startup.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(1)		
Rqmt Prov:	ORDER HRVOC Compliance Agreement Condition 7		
Description:	TCEQ HRVOC Compliance Agreement Condition 7 states that [the rupture discs] shall be installed by June 30, 2006.		
Date	01/16/2007 (531454)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 9		
Description:	Failed to use the PVP VOC Scrubber to remove VOC emissions		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 9		
Description:	Failed to maintain daily Scrubber records for for two years as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 8		
Description:	Failed to maintain spray dryer recirculation water pressure as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 8		
Description:	Failed to maintain spray dryer differential pressure as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 5		
Description:	Failed to require that loading emission from filling the vinyl acetate storage tank be controlled by a vapor balance return line		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)		

Description:	Failed to maintain daily notations	Classification	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 55847 SC 5 PERMIT TCEQ Air Permit # 56624 SC 4E PERMIT TCEQ Air Permit #20088 SC 5		
Description:	Failed to maintain open-ended-lines as required	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)		
Description:	Failed to complete final reports for non-reportable upsets	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 122, SubChapter B 122.146(2)		
Description:	Failed to submit compliance certification to the EPA Administrator	Classification	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 117, SubChapter B 117.205(f)(1)		
Description:	Failed to limit CO emissions as required	Classification	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #56632 SC 7		
Description:	Failed to monitor cooling tower water as required	Classification	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 9		
Description:	Failed to maintain scrubber recirculation rate as required	Classification	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 10C		
Description:	Failed to maintain NH4OH batch records	Classification	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 10H		
Description:	Failed to maintain NH4OH batch records as required	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 20088 SC 6 PERMIT TCEQ Air Permit # 22079 SC 12 PERMIT TCEQ Air Permit # 55847 SC 7 PERMIT TCEQ Air Permit # 56624 SC 4 PERMIT TCEQ Air Permit # 56632 SC 4		
Description:	Failed to conduct 3rd quarter fugitive components monitoring as required	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 22079 SC 12I PERMIT TCEQ Air Permit # 55847 SC 7I PERMIT TCEQ AIR Permit # 56624 SC 4H		
Description:	Failed to record that leak repairs as required	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 20088 SC 6F PERMIT TCEQ Air Permit # 56624 SC 4F		
Description:	Failed to use the directed maintenance program as required	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 56632 SC 2B		
Description:	Failed to maintain tank production/throughput records as required	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 56632 SC 2B		
Description:	Failed to maintain tank production/throughput records as required	Classification	Moderate
Date	08/17/2007 (568701)		
Self Report?	NO		
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)		
Rqmt Prov:	PERMIT Hazardous Waste Permit, HW-50389		
Description:	During the investigation and records review, it was noted that the Notice of Registration had inaccuracies that required updates.	Classification	Moderate
Self Report?	NO		

Citation:	30 TAC Chapter 335, SubChapter A 335.9(a)(2)(B)		
Rqmt Prov:	PERMIT Hazardous Waste Permit, HW-50389		
Description:	The facility failed to submit 2006 annual waste summary on or before March 1, 2006.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter F 335.152(a)(2)		
	40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.37(a)(1)		
	40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.37(a)(4)		
Rqmt Prov:	PERMIT Hazardous Waste Permit HW-50389		
Description:	The facility failed to make arrangements to familiarize police, fire departments and local hospitals with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter Q 335.474		
Description:	During this investigation, it was found that the facility failed to update their five-year pollution prevention plan.		

F. Environmental audits.

Notice of Intent Date: 08/06/2007 (574306)

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  
ISP TECHNOLOGIES INC.  
RN100825272

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-0217-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 Technologies Inc. ("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 specialty chemical manufacturing plant at 4501 Attwater Avenue in Texas City, Galveston 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 January 21, 2008.
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 Three Thousand Five Hundred Sixty-Two Dollars (\$3,562) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Four Hundred Twenty-Five Dollars



(\$1,425) of the administrative penalty and Seven Hundred Twelve Dollars (\$712) 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. One Thousand Four Hundred Twenty-Five Dollars (\$1,425) shall be conditionally offset by the Respondent's 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 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 recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. Corrective action was taken to instruct personnel to facilitate timely final report submission on October 20, 2007; and
  - b. Plant personnel were retrained on the batch processing procedures by October 30, 2007.
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 the Respondent 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, the Respondent is alleged to have:

1. Failed to prevent the release of unauthorized air contaminants emitted into the atmosphere, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit No. 22079, Special Condition 1, as documented during a record review conducted on December 20, 2007. Specifically, 297 pounds of vinylpyrrolidone was emitted into the air during an emissions event that occurred on October 5, 2007, lasting 10 minutes. Since the emissions event was avoidable, an affirmative defense as defined by 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense was not met.
2. Failed to report an emissions event timely, in violation of 30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review



conducted on December 20, 2007. Specifically, the final report for Incident No. 98382, which occurred on October 5, 2007, was due on October 19, 2007, but was not submitted until October 20, 2007.

### 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 Technologies Inc., Docket No. 2008-0217-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. The Respondent 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, One Thousand Four Hundred Twenty-Five Dollars (\$1,425) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's 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 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



### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

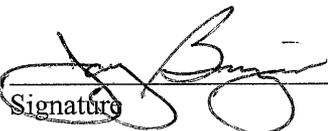
7/2/2008  
Date

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.

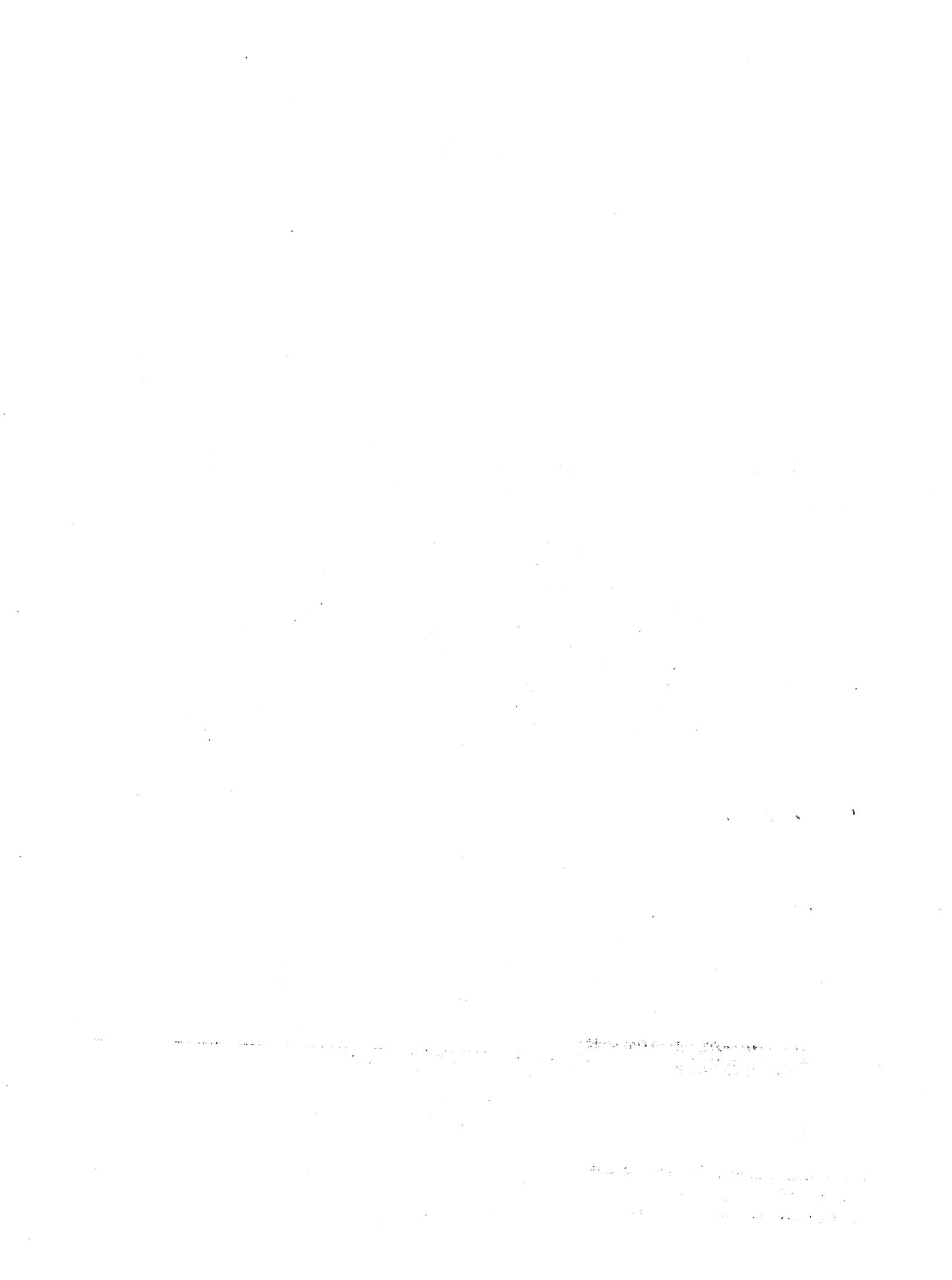
  
\_\_\_\_\_  
Signature

5/2/08  
Date

Jay Bizatto  
Name (Printed or typed)  
Authorized Representative of  
ISP Technologies Inc.

Site General 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.



Attachment A  
Docket Number: 2008-0217-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** ISP Technologies Inc.  
**Payable Penalty Amount:** Two Thousand Eight Hundred Fifty Dollars (\$2,850)  
**SEP Amount:** One Thousand Four Hundred Twenty-Five Dollars (\$1,425)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program  
**Location of SEP:** Galveston 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 Galveston 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:



ISP Technologies Inc.  
Agreed Order – Attachment A

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.

