

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2009-1820-AIR-E **TCEQ ID:** RN100224799 **CASE NO.:** 38679**RESPONDENT NAME:** ISP Synthetic Elastomers LP

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: ISP Synthetic Elastomers, 1215 Main Street, Port Neches, Jefferson County</p> <p>TYPE OF OPERATION: Synthetic elastomer 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 29, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Howard S. Hardegee, Site General Manager, ISP Synthetic Elastomers LP, P.O. Box 667, Port Neches, Texas 77651 Mr. Ron Densmore, Site Operating Manager, ISP Synthetic Elastomers LP, P.O. Box 667, Port Neches, Texas 77651 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: August 24, 2009</p> <p>Date of NOE Relating to this Case: November 5, 2009 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during Incident No. 126812. Specifically, on July 14, 2009, the grease fitting on the bottom of the 8DA Reactor 108, Emissions Point Number F-REACDA, failed due to corrosion, releasing 200 pounds ("lbs") of 1,3-butadiene and 100 lbs of styrene for ten minutes. Since the emissions event could have been avoided through better maintenance and/or operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O-01224, General Terms and Conditions ("GTC") and Special Condition ("SC") 11, and Air Permit No. 9908, SC1].</p> <p>2) Failure to prevent unauthorized emissions during Incident No. 129323. Specifically, on September 12, 2009, a charge line on the bottom of Reactor DB failed due to corrosion, releasing 15 pounds of 1,3-butadiene for 15 minutes. Since the emissions event could have been avoided through better maintenance and/or operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE</p>	<p>Total Assessed: \$10,450</p> <p>Total Deferred: \$2,090 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$4,180</p> <p>Total Paid to General Revenue: \$4,180</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. In regard to Incident No. 126812, replaced the grease fitting on the bottom of 8DA Reactor 108 to ensure grease to the reactor agitator foot bearing and implemented routine maintenance inspections on July 14, 2009; and</p> <p>b. In regard to Incident No. 129323, replaced the spool piece of the incremental butadiene line on the bottom of Reactor DB to ensure against leaking, and implemented routine maintenance inspections on September 12, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p>

§§ 116.115(b)(2)(F) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O-01224, GTC and SC 11, Air Permit No. 9908, SC 1].		
--	--	--

Additional ID No(s): Air Acct. No. JB0017A

Attachment A
Docket Number: 2009-1820-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ISP Synthetic Elastomers LP
Payable Penalty Amount:	Eight Thousand Three Hundred Sixty Dollars (\$8,360)
SEP Amount:	Four Thousand One Hundred Eighty Dollars (\$4,180)
Type of SEP:	Pre-approved
Third-Party Recipient:	Southeast Texas Regional Planning Commission -Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station
Location of SEP:	Jefferson 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 shall contribute the SEP Amount to the Third-Party Recipient named above. The contribution will be Southeast Texas Regional Planning Commission to be used for the Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station as set forth in agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to install, operate, and maintain a stationary ambient air monitoring station in the vicinity of Memorial High School Ninth Grade Campus. The station will employ canister sampling, a hydrocarbon analyzer, and/or a chromatograph. Ancillary equipment will include a sample conditioning system, a ten meter meteorological tower, a climate controlled equipment shelter, a remote communications system, and have electronic data logging capabilities. The station will continuously sample and analyze the ambient air for a wide range of hydrocarbon species in accordance with Environmental Protection Agency's recommended "TO-14" list. SEP monies will be used for the cost of purchasing, installing, operating, and maintaining the air monitoring station along with its ancillary equipment.

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 offering continuous assessment of ambient air quality in a sensitive area of Port Arthur that is not currently covered by existing ambient air monitoring stations. Monitoring this area of the community will help the TCEQ and local government better respond to citizen's questions about public health as it related to air quality and will enable TCEQ to identify emission sources.

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:

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

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.

ISP Synthetic Elastomers LP
Agreed Order – Attachment A

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 October 30, 2008

DATES	Assigned	9-Nov-2009	Screening	9-Nov-2009	EPA Due	6-Aug-2010
	PCW	9-Nov-2009				

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

CASE INFORMATION			
Enf./Case ID No.	38679	No. of Violations	2
Docket No.	2009-1820-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Audra Benoit
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 134.0% Enhancement **Subtotals 2, 3, & 7** \$6,700

Notes: Penalty enhancement due to 12 non-similar Notices of Violations ("NOVs"), two same or similar NOVs, and five agreed orders containing denial of liability.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$1,250

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$0
Approx. Cost of Compliance \$3,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$10,450

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$10,450

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$10,450

DEFERRAL 20.0% Reduction **Adjustment** -\$2,090

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 \$8,360

Screening Date 9-Nov-2009

Docket No. 2009-1820-AIR-E

PCW

Respondent: ISP Synthetic Elastomers LP

Policy Revision 2 (September 2002)

Case ID No. 38679

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator: Audra Benoit

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 134%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 12 non-similar Notices of Violations ("NOVs"), two same or similar NOVs, and five agreed orders containing denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 134%

Screening Date 9-Nov-2009

Docket No. 2009-1820-AIR-E

PCW

Respondent ISP Synthetic Elastomers LP

Policy Revision 2 (September 2002)

Case ID No. 38679

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O-01224, General Terms and Conditions ("GTC") and Special Condition ("SC") 11, and Air Permit No. 9908, SC1

Violation Description

Failed to prevent unauthorized emissions during Incident No. 126812. Specifically, on July 14, 2009, the grease fitting on the bottom of the 8DA Reactor 108, Emissions Point Number ("EPN") F-REACDA, failed due to corrosion, releasing 200 pounds ("lbs") of 1,3-butadiene and 100 lbs of styrene for ten minutes. Since the emissions event could have been avoided through better maintenance and/or operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the emissions event which occurred on July 14, 2009.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent completed corrective actions for this violation on July 14, 2009, prior to the November 5, 2009 NOE date.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,225

This violation Final Assessed Penalty (adjusted for limits) \$5,225

Economic Benefit Worksheet

Respondent: ISP Synthetic Elastomers LP
Case ID No.: 38679
Reg. Ent. Reference No.: RN100224799
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
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$1,500	14-Jul-2009	14-Jul-2009	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to replace the grease fitting on the bottom of 8DA Reactor 108 to ensure grease to the reactor agitator foot bearing and implemented routine maintenance inspections. The date required is the date of the emissions event. The final date is the date corrective measures were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Screening Date 9-Nov-2009

Docket No. 2009-1820-AIR-E

PCW

Respondent ISP Synthetic Elastomers LP

Policy Revision 2 (September 2002)

Case ID No. 38679

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O-01224, GTC and SC 11, Air Permit No. 9908, SC 1

Violation Description

Failed to prevent unauthorized emissions during Incident No. 129323. Specifically, on September 12, 2009, a charge line on the bottom of Reactor DB failed due to corrosion, releasing 15 pounds of 1,3-butadiene for 15 minutes. Since the emissions event could have been avoided through better maintenance and/or operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
single event		

Violation Base Penalty \$2,500

One quarterly event is recommended based on the emissions event that occurred on September 12, 2009.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent completed corrective actions for this violation on September 12, 2009, prior to the November 5, 2009 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,225

This violation Final Assessed Penalty (adjusted for limits) \$5,225

Economic Benefit Worksheet

Respondent: ISP Synthetic Elastomers LP
Case ID No.: 38879
Reg. Ent. Reference No.: RN100224799
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,500	12-Sep-2009	12-Sep-2009	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace the spool piece of the incremental butadiene line on the bottom of Reactor DB to ensure against leaking and implemented routine maintenance inspections. The date required is the date of the emissions event. The final date is the date corrective measures were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN602296287 ISP Synthetic Elastomers LP Classification: AVERAGE Rating: 5.15
Regulated Entity: RN100224799 ISP SYNTHETIC ELASTOMERS Classification: AVERAGE Site Rating: 5.15

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0017A
	AIR OPERATING PERMITS	PERMIT	1224
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD059333443
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30144
	WASTEWATER	PERMIT	TX0072311000
	WASTEWATER	PERMIT	WQ0002487000
	WASTEWATER	PERMIT	TPDES0087602
	WASTEWATER	PERMIT	TX0087602
	AIR NEW SOURCE PERMITS	PERMIT	9908
	AIR NEW SOURCE PERMITS	PERMIT	7642
	AIR NEW SOURCE PERMITS	PERMIT	9351A
	AIR NEW SOURCE PERMITS	PERMIT	4132A
	AIR NEW SOURCE PERMITS	PERMIT	11481A
	AIR NEW SOURCE PERMITS	PERMIT	12381A
	AIR NEW SOURCE PERMITS	PERMIT	15069A
	AIR NEW SOURCE PERMITS	PERMIT	9100A
	AIR NEW SOURCE PERMITS	PERMIT	16309A
	AIR NEW SOURCE PERMITS	PERMIT	16456A
	AIR NEW SOURCE PERMITS	PERMIT	33357
	AIR NEW SOURCE PERMITS	REGISTRATION	72127
	AIR NEW SOURCE PERMITS	AFS NUM	4824500034
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0017A
	AIR NEW SOURCE PERMITS	REGISTRATION	70480
	AIR NEW SOURCE PERMITS	REGISTRATION	71804
	AIR NEW SOURCE PERMITS	REGISTRATION	73735
	AIR NEW SOURCE PERMITS	PERMIT	74010
	AIR NEW SOURCE PERMITS	REGISTRATION	87957
	AIR NEW SOURCE PERMITS	REGISTRATION	82785
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0017A

Location: 1215 MAIN ST, PORT NECHES, TX, 77651

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 09, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 09, 2004 to November 09, 2009

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

Name: Audra Benoit

Phone: (409) 899-8799

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 06/09/2005

ADMINORDER 2004-0959-AIR-E

Classification: Moderate

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

Description: Allowed the unauthorized emission of an air contaminant, by leaving the wastewater drain

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260

40 CFR Part 63, Subpart F 63.104(a)

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

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

Effective Date: 11/06/2005

ADMINORDER 2005-0315-AIR-E

Classification: Moderate

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

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

Effective Date: 03/05/2007

ADMINORDER 2006-0422-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 74010, Special Condition 1 PERMIT

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

Effective Date: 04/03/2008

ADMINORDER 2007-1668-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(I)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: O-01224, General Terms and Conditions OP
 O-01224, Special Condition 2F OP
 Description: Failure to properly report an emissions event.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11 OP
 Description: Failure to maintain emission rates below the allowable emission limits.

Effective Date: 04/03/2008 ADMINORDER 2007-0377-AIR-E

Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 74010, Special Condition 6D PERMIT
 O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11A OP
 Description: Failure to perform testing no later than 180 days from the initial startup after conversion at Boiler 2. Specifically, Boiler 2 had exceeded the 40 MMBTU/hr heat input rate on January 23, 2006, hence the testing was required to have been done on or before July 22, 2006 but was not done until January 3, 2007.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 9908, Special Condition 1 PERMIT
 O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11A OP
 Description: Failure to maintain emission rates below the allowable emission limits, releasing unauthorized emissions of 23.164 pounds (lbs) of Butadiene and 4.54 lbs of Styrene during a twenty-five minute emissions event which occurred at the Recycle Butadiene ("BD") Tank on December 24, 2006.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 9908, Special Condition 1 PERMIT
 O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11A OP
 Description: Failure to maintain emission rates below the allowable emission limits. Specifically, 24 pounds ("lbs") of butadiene, and 30 lbs of styrene were released when ISP failed to prevent a foam-over in the Pressure Flash tank, which resulted in latex getting into the Recycle Bd Tanks in the tank farm, causing an emissions event that began on February 28, 2007, and lasted for one hour and thirty-five minutes (Incident No.87760).

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 11/15/2004 (361302)
- 2 11/19/2004 (361301)
- 3 12/16/2004 (340680)
- 4 12/20/2004 (387110)

5	12/22/2004	(341349)
6	12/27/2004	(341130)
7	12/30/2004	(343962)
8	01/28/2005	(341821)
9	01/31/2005	(343500)
10	02/11/2005	(387109)
11	03/16/2005	(424886)
12	04/11/2005	(424887)
13	05/13/2005	(424890)
14	05/23/2005	(424888)
15	06/21/2005	(424889)
16	08/01/2005	(395624)
17	08/02/2005	(400369)
18	08/15/2005	(396647)
19	08/19/2005	(445521)
20	09/16/2005	(445522)
21	10/21/2005	(477097)
22	11/13/2005	(419030)
23	11/22/2005	(477098)
24	12/16/2005	(436768)
25	12/21/2005	(477099)
26	01/19/2006	(437173)
27	01/23/2006	(477100)
28	02/21/2006	(477094)
29	03/08/2006	(477096)
30	03/20/2006	(477095)
31	04/12/2006	(459529)
32	04/13/2006	(459530)
33	04/21/2006	(503826)
34	05/23/2006	(503827)
35	06/20/2006	(503828)
36	07/26/2006	(486650)
37	07/28/2006	(485738)
38	08/29/2006	(485307)
39	08/31/2006	(430976)
40	09/14/2006	(526193)
41	10/16/2006	(526192)
42	10/18/2006	(526194)
43	10/26/2006	(526195)
44	11/16/2006	(514587)
45	11/17/2006	(550491)
46	11/28/2006	(519226)
47	11/29/2006	(512633)
48	12/15/2006	(550492)
49	12/20/2006	(513048)
50	12/28/2006	(397968)
51	02/19/2007	(550490)
52	02/28/2007	(535216)
53	02/28/2007	(538053)
54	03/14/2007	(586741)
55	04/16/2007	(586742)
56	05/18/2007	(586743)
57	05/21/2007	(556351)
58	06/07/2007	(544001)
59	06/19/2007	(586744)
60	07/20/2007	(586745)
61	07/23/2007	(562476)
62	08/10/2007	(586746)

63 08/13/2007 (570926)
 64 08/20/2007 (568927)
 65 09/18/2007 (604787)
 66 10/09/2007 (572403)
 67 10/10/2007 (571949)
 68 10/18/2007 (604788)
 69 11/19/2007 (624754)
 70 12/04/2007 (571615)
 71 12/10/2007 (593585)
 72 12/19/2007 (624755)
 73 01/18/2008 (624756)
 74 02/05/2008 (612920)
 75 02/05/2008 (613042)
 76 02/14/2008 (675467)
 77 02/26/2008 (617182)
 78 03/17/2008 (675468)
 79 03/31/2008 (640630)
 80 04/07/2008 (638591)
 81 04/18/2008 (675469)
 82 05/14/2008 (693803)
 83 06/16/2008 (693804)
 84 07/14/2008 (693805)
 85 08/15/2008 (715134)
 86 08/27/2008 (687711)
 87 09/24/2008 (715135)
 88 10/20/2008 (715136)
 89 11/19/2008 (730960)
 90 12/18/2008 (754200)
 91 12/23/2008 (702152)
 92 01/19/2009 (730961)
 93 02/17/2009 (754197)
 94 03/19/2009 (754198)
 95 04/02/2009 (740026)
 96 04/16/2009 (754199)
 97 05/06/2009 (725013)
 98 05/18/2009 (771508)
 99 08/20/2009 (765825)
 100 09/21/2009 (764164)
 101 11/05/2009 (767073)
 102 11/05/2009 (778620)

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

Date: 04/30/2005 (424888) CN602296287

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

Date: 05/31/2005 (424889) CN602296287

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

Date: 08/03/2005 (400369) CN602296287

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01224, SC 1A OP

Description: Failure to record the time in the flare operation log.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-1224, SC 1A OP
 O-1224, SC 1D OP

Description: Failure to perform weekly pump seal visual inspections.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-1224, SC 3B(iii) OP

Description: Failure to perform quarterly observation of the stationary vents.

Date: 09/30/2005 (477097) CN602296287

Self Report? YES Classification: Moderate

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

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

Date: 01/31/2006 (477094) CN602296287

Self Report? YES Classification: Moderate

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

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

Date: 07/27/2006 (486650) CN602296287

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter H 116.786(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart U 63.502(a)
 49127, Special Condition 15E PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 9908, Special Condition 26E PERMIT
 O-0124, Special Condition 1A OP

Description: Failure to plug open-ended lines.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 74010, Special Condition 3 PERMIT
 O-01224, Special Condition 11A OP

Description: Failure to maintain a permitted firing rate.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 9908, Special Condition 12 PERMIT

Description: Failure to conduct TDS testing with an approved method.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 9908, Special Condition 26 PERMIT

Description: Failure to repair a leaking component within 15 days after the leak was found.
 Self Report? NO Classification: Moderate

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

Description: Failure to report a deviation.

Date: 08/30/2006 (485307) CN602296287

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 101, SubChapter F 101.201(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.
Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.

Date: 01/22/2007 (536449) CN602296287

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
74010, Special Condition No. 3 PERMIT

Description: Failure to comply with permitted firing rate for Boiler 4.

Date: 05/31/2007 (586744) CN602296287

Self Report? YES Classification: Moderate

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

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

Date: 08/15/2007 (570926) CN602296287

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01224, General Terms and Conditions OP

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

Date: 08/20/2007 (568927) CN602296287

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4

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

Self Report? NO Classification: Minor

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

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

Date: 12/10/2007 (593585) CN602296287

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01224, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
5C THSC Chapter 382 382.085(b)
O-01224, General Terms and Conditions OP

Description: Failure to accurately certify compliance in the Annual Compliance Certification (ACC).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
 5C THSC Chapter 382 382.085(b)
 9908, Special Condition 22E PERMIT
 9908, Special Condition 3 PERMIT
 O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11A OP
 O-01224, Special Condition 1A OP
 O-01224, Special Condition 1D OP
 Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 9908, Special Condition 19 PERMIT
 O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11A OP
 Description: Failure to maintain records for the computerized database system.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 74010, Special Condition 8 PERMIT
 O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11A OP
 Description: Failure to maintain records of natural gas consumption for Boiler Numbers 1, 2, 3, 4, and 5.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 74010, Special Condition 3 PERMIT
 O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11A OP
 Description: Failure to comply with the permitted firing rate of 56 MMBTU/hr at Boiler Numbers 1 and 2.

Date: 02/05/2008 (613042) CN602296287

Self Report? NO Classification: Moderate
 Citation: PC 2g PERMIT
 Description: Failure by ISP Synthetic Elastomers to prevent the unauthorized discharge of wastewater.

Self Report? NO Classification: Moderate
 Citation: M&RR 7c PERMIT
 Description: Failure by ISP Synthetic Elastomers to submit a noncompliance notification within 5 working days of becoming aware of an effluent violation which deviates from the permitted effluent limitation by more than 40%.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)
 Description: Failure by ISP Synthetic Elastomers to allow the handling of industrial solid waste in such a manner as to cause the imminent threat of discharge of industrial solid waste into or adjacent to waters in the state without obtaining specific authorization for such a discharge.

Self Report? NO Classification: Minor
 Citation: M&RR 2 PERMIT
 Description: Failure by ISP Synthetic Elastomers to comply with test procedures specified in 30 TAC 319.11-319.12.

Date: 04/03/2009 (740026) CN602296287

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
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 T 63.485(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.498(d)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 3 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP
O-01224 Special Condition 1D OP
Description: Failure to maintain monitoring records for the plant flare.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
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 T 63.502(a)
40 CFR Part 63, Subpart H 63.163
40 CFR Part 63, Subpart H 63.173
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 3 PERMIT
O-01224 Special Condition 11 OP
O-01224, General Terms and Conditions OP
O-01224, Special Condition 1D OP
Description: Failure to maintain records of visual, weekly inspections of pumps and agitators.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 74010, Special Condition 3 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP
Description: Failure to maintain Boiler 1 (EPN: Boiler 1) below the maximum firing rate of 56 Million British thermal units per hour (MMBtu/hr).

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP
O-01224 Special Condition 3B(III) OP
Description: Failure to conduct the required quarterly visible emissions observations (VEO).

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 22E PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP
Description: Failure to properly equip and seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP
Description: Failure to maintain a lid on a degreaser whenever parts are not being handled in the cleaner.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP
O-01224 Special Condition 1A OP

Description: Failure to conduct daily flare observations on the back-up flare whenever in operation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908, Special Condition 6 PERMIT
O-01224 General Terms and Conditions OP
O-01224, Special Condition 11 OP

Description: Failure to maintain the maximum hourly residual styrene concentration of 0.03 weight percent on a wet basis in the latex feeding any of the 10 finishing lines.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 8 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to conduct the quarterly Static Ambient Temperature Extraction (SATE) test.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 10D PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to properly record the date, time, and duration of each planned maintenance, start-up, and shutdown (MSS) activity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01224 Special Condition 11 OP

Description: Failure to adhere to the number of planned maintenance events represented on Table B-11 in the permit application (dated December 2006) of NSR Permit Number 9908.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 11 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to conduct daily total dissolved solids (TDS) sampling of the cooling tower water.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 1 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to maintain the particulate matter (PM) emission rate below the allowable emission limits.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 18 PERMIT
O-01224 General Terms and Conditions OP

Description: O-01224 Special Condition 11 OP
 Failure to conduct an investigation that resulted in a report which includes corrective actions taken when the monitored concentrations exceeded 25 parts per billion (ppb).

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: 5C THSC Chapter 382 382.085(b)
 NSR 9908, Special Condition 18 PERMIT
 O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11 OP
 Failure to maintain on-site for review, documentation regarding monitor down time and corrective actions taken when the monitor was down.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 324, SubChapter A 324.1
 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)

Description: Failure to properly label used oil drums with the words "Used Oil".
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
 5C THSC Chapter 382 382.085(b)
 NSR 9908, Special Condition 3 PERMIT
 O-01224 General Terms and Conditions OP
 O-01224, Special Condition 11 OP
 O-01224, Special Condition 1D OP

Description: Failure to make a first attempt at repair. C10
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 115, SubChapter D 115.352(2)
 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 H 63.174(d)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
 NSR 9908, Special Condition 22I PERMIT
 NSR 9908, Special Condition 23A PERMIT
 NSR 9908, Special Condition 3 PERMIT
 O-01224 Special Condition 1D OP
 O-01224, General Terms and Conditions OP
 O-01224, Special Condition 11 OP

Description: Failure to make a first attempt at repair on a leaking component within five days and repair leaking compents within fifteen days. C10

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-01224 General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 O-01224, General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the period of April 29, 2007 through April 30, 2008.

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1820-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a synthetic elastomer manufacturing plant at 1215 Main Street in Port Neches, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 10, 2009.
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 Ten Thousand Four Hundred Fifty Dollars (\$10,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand One Hundred Eighty Dollars (\$4,180) of the administrative penalty and Two Thousand Ninety Dollars (\$2,090) 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. Four Thousand One Hundred Eighty Dollars (\$4,180) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
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. In regard to Incident No. 126812, replaced the grease fitting on the bottom of 8DA Reactor 108 to ensure grease to the reactor agitator foot bearing and implemented routine maintenance inspections on July 14, 2009; and
 - b. In regard to Incident No. 129323, replaced the spool piece of the incremental butadiene line on the bottom of Reactor DB to ensure against leaking, and implemented routine maintenance inspections on September 12, 2009.
 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 unauthorized emissions during Incident No. 126812, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O-01224, General Terms and Conditions ("GTC") and Special Condition ("SC") 11, and Air Permit No. 9908, SC1, as documented during a record review conducted on August 24, 2009. Specifically, on July 14, 2009, the grease fitting on the bottom of the 8DA Reactor 108, Emissions Point Number ("EPN") F-REACDA, failed due to corrosion, releasing 200 pounds ("lbs") of 1,3-butadiene and 100 lbs of styrene for ten minutes. Since the emissions event could have been avoided through better maintenance and/or operational

practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to prevent unauthorized emissions during Incident No. 129323, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O-01224, GTC and SC 11, Air Permit No. 9908, SC 1, as documented during a record review conducted on August 24, 2009. Specifically, on September 12, 2009, a charge line on the bottom of Reactor DB failed due to corrosion, releasing 15 pounds of 1,3-butadiene for 15 minutes. Since the emissions event could have been avoided through better maintenance and/or operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ISP Synthetic Elastomers LP, Docket No. 2009-1820-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 SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand One Hundred Eighty Dollars (\$4,180) 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 made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdin

For the Executive Director

2/25/2010

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.

Howard S. Hardegree

Signature

January 8, 2010

Date

HOWARD S. HARDEGREE

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

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: 2009-1820-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ISP Synthetic Elastomers LP
Payable Penalty Amount:	Eight Thousand Three Hundred Sixty Dollars (\$8,360)
SEP Amount:	Four Thousand One Hundred Eighty Dollars (\$4,180)
Type of SEP:	Pre-approved
Third-Party Recipient:	Southeast Texas Regional Planning Commission -Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station
Location of SEP:	Jefferson 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 shall contribute the SEP Amount to the Third-Party Recipient named above. The contribution will be Southeast Texas Regional Planning Commission to be used for the Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station as set forth in agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to install, operate, and maintain a stationary ambient air monitoring station in the vicinity of Memorial High School Ninth Grade Campus. The station will employ canister sampling, a hydrocarbon analyzer, and/or a chromatograph. Ancillary equipment will include a sample conditioning system, a ten meter meteorological tower, a climate controlled equipment shelter, a remote communications system, and have electronic data logging capabilities. The station will continuously sample and analyze the ambient air for a wide range of hydrocarbon species in accordance with Environmental Protection Agency's recommended "TO-14" list. SEP monies will be used for the cost of purchasing, installing, operating, and maintaining the air monitoring station along with its ancillary equipment.

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 offering continuous assessment of ambient air quality in a sensitive area of Port Arthur that is not currently covered by existing ambient air monitoring stations. Monitoring this area of the community will help the TCEQ and local government better respond to citizen's questions about public health as it related to air quality and will enable TCEQ to identify emission sources.

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:

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

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.

ISP Synthetic Elastomers LP
Agreed Order – Attachment A

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.

