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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1430-AIR-E TCEQ ID: RN100825272 CASE NO.: 40313
RESPONDENT NAME: ISP Technologies Inc.

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 Technologies Texas City Plant, 4501 Attwater Avenue, Texas City, Galveston County</p> <p>TYPE OF OPERATION: Organic chemical 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 7, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. James E. Bizarro, Site General Manager, ISP Technologies Inc., 4501 Attwater Avenue, Texas City, Texas 77590 Mr. David Pastalaniec, Manager, Safety & Environmental, ISP Technologies Inc., 4501 Attwater Avenue, Texas City, Texas 77590 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 22, 2010</p> <p>Date of NOV/NOE Relating to this Case: August 20, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to limit carbon monoxide ("CO") emissions from Boiler No. 2 (Emission Point No. 340/5101) to 400 parts per million volume ("ppmv") for three consecutive 24-hour averaging periods. Specifically, the 24-hour CO emissions averages were as follows: on January 11, 2009, 564.79 ppmv; on January 12, 2009, 722.2 ppmv; and on January 13, 2009, 520.26 ppmv; resulting in 910.9 pounds of CO to be emitted during the 58-hour event [30 TEX. ADMIN. CODE §§ 117.305(e)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1592, Special Terms & Conditions Nos. 1.A. and 1.C.].</p>	<p>Total Assessed: \$5,250</p> <p>Total Deferred: \$1,050 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$2,100</p> <p>Total Paid to General Revenue: \$2,100</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of the CO exceedances from Boiler No. 2 (Emission Point No. 340/5101); and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): Air GBoo28U

Attachment A

Docket Number: 2010-1430-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ISP Technologies Inc.
Payable Penalty Amount: Four Thousand Two Hundred Dollars (\$4,200)
SEP Amount: Two Thousand One Hundred Dollars (\$2,100)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP: Texas Air Quality Control Region 216 – Houston-Galveston

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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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 Technologies Inc.
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 Enforcement Division 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	23-Aug-2010	Screening	26-Aug-2010	EPA Due	
	PCW	30-Aug-2010				

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

CASE INFORMATION			
Enf./Case ID No.	40313	No. of Violations	1
Docket No.	2010-1430-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$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: Enhancement for nine same/similar NOVs, three dissimilar NOVs, three orders with denial, and one notice of intent to audit.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance *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

Screening Date 26-Aug-2010

Docket No. 2010-1430-AIR-E

PCW

Respondent ISP Technologies Inc.

Policy Revision 2 (September 2002)

Case ID No. 40313

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825272

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	9	45%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 110%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for nine same/similar NOVs, three dissimilar NOVs, three orders with denial, and one notice of intent to audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 110%

Screening Date 26-Aug-2010
Respondent ISP Technologies Inc.
Case ID No. 40313
Reg. Ent. Reference No. RN100825272
Media [Statute] Air
Enf. Coordinator Heather Podlipny

Docket No. 2010-1430-AIR-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 117.305(e)(1) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O1592, Special Terms & Conditions Nos. 1.A. and 1.C.

Violation Description

Failed to limit carbon monoxide ("CO") emissions from Boiler No. 2 (Emission Point No. 340/5101) to 400 parts per million volume ("ppmv") for three consecutive 24-hour averaging periods, as documented during an investigation conducted on July 22, 2010. Specifically, the 24-hour CO emissions averages were as follows: on January 11, 2009, 564.79 ppmv; on January 12, 2009, 722.2 ppmv; and on January 13, 2009, 520.26 ppmv; resulting in 910.9 pounds of CO to be emitted during the 58-hour event.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

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

Violation Subtotal

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. 40313
Req. 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				0.00	\$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	\$1,500	11-Jan-2009	26-Feb-2011	2.13	\$159	n/a	\$159
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 implement procedures designed to prevent CO exceedances from Boiler No. 2. The Date Required is the date the CO exceedances began and the Final Date is the estimated date of compliance.

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	\$159
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Compliance History Report

Customer/Respondent/Owner-Operator:

CN600505580 ISP Technologies Inc.

Classification: AVERAGE Rating: 2.32

Regulated Entity:

RN100825272 ISP TECHNOLOGIES TEXAS CITY
PLANT

Classification: AVERAGE Site Rating: 3.59

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50389
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD044452324
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30037
AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0028U
AIR OPERATING PERMITS	PERMIT	1592
UNDERGROUND INJECTION CONTROL	PERMIT	WDW430
UNDERGROUND INJECTION CONTROL	PERMIT	WDW431
UNDERGROUND INJECTION CONTROL	PERMIT	WDW034
UNDERGROUND INJECTION CONTROL	PERMIT	WDW114
UNDERGROUND INJECTION CONTROL	PERMIT	WDW113
UNDERGROUND INJECTION CONTROL	PERMIT	WDW299
AIR NEW SOURCE PERMITS	REGISTRATION	91803
AIR NEW SOURCE PERMITS	PERMIT	81157
AIR NEW SOURCE PERMITS	REGISTRATION	50129
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0028U
AIR NEW SOURCE PERMITS	PERMIT	1795
AIR NEW SOURCE PERMITS	PERMIT	10583
AIR NEW SOURCE PERMITS	REGISTRATION	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	REGISTRATION	30744
AIR NEW SOURCE PERMITS	REGISTRATION	35466
AIR NEW SOURCE PERMITS	REGISTRATION	39163
AIR NEW SOURCE PERMITS	REGISTRATION	42271
AIR NEW SOURCE PERMITS	REGISTRATION	44467
AIR NEW SOURCE PERMITS	REGISTRATION	44593
AIR NEW SOURCE PERMITS	REGISTRATION	44609
AIR NEW SOURCE PERMITS	REGISTRATION	44893
AIR NEW SOURCE PERMITS	REGISTRATION	46699
AIR NEW SOURCE PERMITS	REGISTRATION	47430
AIR NEW SOURCE PERMITS	REGISTRATION	47811
AIR NEW SOURCE PERMITS	REGISTRATION	48145
AIR NEW SOURCE PERMITS	REGISTRATION	48248

AIR NEW SOURCE PERMITS	REGISTRATION	48631
AIR NEW SOURCE PERMITS	REGISTRATION	48660
AIR NEW SOURCE PERMITS	REGISTRATION	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	REGISTRATION	56618
AIR NEW SOURCE PERMITS	PERMIT	56632
AIR NEW SOURCE PERMITS	REGISTRATION	71570
AIR NEW SOURCE PERMITS	REGISTRATION	54635
AIR NEW SOURCE PERMITS	REGISTRATION	71769
AIR NEW SOURCE PERMITS	REGISTRATION	73717
AIR NEW SOURCE PERMITS	REGISTRATION	74486
AIR NEW SOURCE PERMITS	REGISTRATION	77635
AIR NEW SOURCE PERMITS	REGISTRATION	78465
AIR NEW SOURCE PERMITS	REGISTRATION	78477
AIR NEW SOURCE PERMITS	REGISTRATION	79363
AIR NEW SOURCE PERMITS	REGISTRATION	80456
AIR NEW SOURCE PERMITS	REGISTRATION	81119
AIR NEW SOURCE PERMITS	REGISTRATION	81295
AIR NEW SOURCE PERMITS	REGISTRATION	81983
AIR NEW SOURCE PERMITS	REGISTRATION	88452
AIR NEW SOURCE PERMITS	REGISTRATION	84587
AIR NEW SOURCE PERMITS	REGISTRATION	87747
AIR NEW SOURCE PERMITS	REGISTRATION	86670
AIR NEW SOURCE PERMITS	PERMIT	83790
AIR NEW SOURCE PERMITS	REGISTRATION	90432
AIR NEW SOURCE PERMITS	REGISTRATION	87816
AIR NEW SOURCE PERMITS	REGISTRATION	92247
AIR NEW SOURCE PERMITS	REGISTRATION	91406
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30037
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0028U

Location: 4501 ATTWATER AVE, TEXAS CITY, TX, 77590

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 24, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 24, 2005 to August 24, 2010

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

Name: Heather Podlipny Phone: 239 - 2603

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 judgments, 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.

Effective Date: 07/03/2008 ADMINORDER 2007-1839-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 55847, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit 55847, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 6, 2007. Specifically, operator error resulted in the release of 3,196 pounds of NMP from the NMP Reactor over a 45-minute period on July 13, 2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 22079, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit 22079, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 23, 2007. Specifically, operator error resulted in the release of 8,500 pounds of ethanol from the B Reactor in the PVP Unit over a five hour and 30 minute period on September 23, 2007. Since the emission event was avoidable, the demonstrations for

Effective Date: 08/29/2008 ADMINORDER 2008-0217-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 22079, SC #1 PERMIT

Description: Failed to prevent the release of unauthorized air contaminants emitted into the atmosphere.

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Description: Failed to report an emission event timely.

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	08/27/2005	(399072)
2	10/05/2005	(432711)
3	01/23/2006	(451843)
4	03/10/2006	(453284)
5	03/10/2006	(456590)
6	03/10/2006	(456594)
7	03/10/2006	(456751)
8	04/04/2006	(458179)
9	04/04/2006	(458182)
10	04/04/2006	(458184)
11	04/07/2006	(454670)
12	04/17/2006	(459905)
13	04/17/2006	(459941)
14	04/17/2006	(459942)
15	04/17/2006	(459944)
16	05/12/2006	(463098)
17	05/12/2006	(463099)
18	05/12/2006	(463102)
19	07/05/2006	(462390)
20	08/07/2006	(459888)
21	08/29/2006	(456599)
22	09/07/2006	(487830)
23	10/16/2006	(511635)
24	10/16/2006	(511647)
25	01/04/2007	(533630)
26	01/10/2007	(534920)
27	01/16/2007	(531454)
28	01/30/2007	(537480)
29	01/31/2007	(534825)
30	02/28/2007	(539514)
31	04/05/2007	(556103)
32	04/12/2007	(543315)
33	04/12/2007	(543323)
34	04/12/2007	(543334)
35	04/12/2007	(553959)
36	04/12/2007	(553961)
37	04/12/2007	(553962)
38	04/12/2007	(553965)
39	04/16/2007	(542049)
40	04/25/2007	(554932)
41	05/14/2007	(559039)
42	05/14/2007	(559042)
43	05/14/2007	(559044)
44	05/16/2007	(556056)
45	08/17/2007	(568701)
46	10/25/2007	(597576)
47	11/13/2007	(600543)
48	11/16/2007	(600672)
49	11/30/2007	(596064)

50 01/08/2008 (600702)
51 01/16/2008 (613311)
52 01/23/2008 (614942)
53 03/25/2008 (637152)
54 03/25/2008 (637153)
55 03/25/2008 (637154)
56 03/25/2008 (638150)
57 03/25/2008 (638153)
58 03/25/2008 (638156)
59 03/25/2008 (638163)
60 03/28/2008 (597485)
61 04/29/2008 (639408)
62 04/29/2008 (640872)
63 04/29/2008 (640878)
64 05/23/2008 (654401)
65 05/23/2008 (654412)
66 05/23/2008 (654423)
67 08/25/2008 (699510)
68 08/25/2008 (700385)
69 08/28/2008 (700468)
70 10/09/2008 (704815)
71 10/24/2008 (687246)
72 01/06/2009 (709671)
73 02/16/2009 (725518)
74 02/17/2009 (723615)
75 02/24/2009 (726319)
76 02/24/2009 (726322)
77 02/24/2009 (726328)
78 02/24/2009 (726333)
79 04/06/2009 (740426)
80 04/09/2009 (740334)
81 04/09/2009 (740347)
82 04/09/2009 (740441)
83 04/09/2009 (740448)
84 06/30/2009 (747791)
85 06/30/2009 (748114)
86 06/30/2009 (748117)
87 06/30/2009 (748120)
88 08/14/2009 (764775)
89 08/26/2009 (762580)
90 09/03/2009 (767083)
91 04/22/2010 (796440)
92 04/29/2010 (799692)
93 06/15/2010 (825726)
94 06/15/2010 (825748)
95 06/15/2010 (825754)
96 07/30/2010 (828760)
97 07/30/2010 (828761)
98 08/05/2010 (799319)
99 08/20/2010 (842890)

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

Date: 08/27/2005 (399072)
Self Report? NO

CN600505580

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079 SC 7 PERMIT

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) CN600505580

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079, SC 7D PERMIT

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)
TCEQ Air Permit #22079 SC 7 PERMIT

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)
TCEQ Air Permit #20088 PERMIT
TCEQ Air Permit #22079 PERMIT
TCEQ Air Permit #71570 PERMIT

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) CN600505580

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079 SC 9 PERMIT

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)
TCEQ Air Permit #22079 SC 9 PERMIT

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)
TCEQ Air Permit #22079 SC 8 PERMIT

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)
TCEQ Air Permit #22079 SC 8 PERMIT

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)
TCEQ Air Permit #22079 SC 5 PERMIT

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)
TCEQ Air Permit # 55847 SC 5 PERMIT
TCEQ Air Permit # 56624 SC 4E PERMIT
TCEQ Air Permit #20088 SC 5 PERMIT

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)
TCEQ Air Permit #56632 SC 7 PERMIT

Description: Failed to monitor cooling tower water as required
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079 SC 9 PERMIT

Description: Failed to maintain scrubber recirculation rate as required
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079 SC 10C PERMIT

Description: Failed to maintain NH4OH batch records
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079 SC 10H PERMIT

Description: Failed to maintain NH4OH batch records as required
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
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 PERMIT

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)
TCEQ Air Permit # 22079 SC 12I PERMIT
TCEQ Air Permit # 55847 SC 7I PERMIT
TCEQ AIR Permit # 56624 SC 4H PERMIT

Description: Failed to record that leak repairs as required
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit # 20088 SC 6F PERMIT
TCEQ Air Permit # 56624 SC 4F PERMIT

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)
TCEQ Air Permit # 56632 SC 2B PERMIT

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)
TCEQ Air Permit # 56632 SC 2B PERMIT

Description: Failed to maintain tank production/throughput records as required

Date: 08/08/2006 (459888) CN600505580
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Special Condition No. 11C PERMIT

Description: RE failed to meet the 90 day deadline for testing the ammonium hydroxide tank vent.

Date: 10/16/2006 (511647) CN600505580
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit #55847, SC #1 PERMIT

Description: ISP failed to prevent a pinhole leak in a pipe due to corrosion.

Date: 10/16/2006 (511635) CN600505580
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ AIR PERMIT #20088, SC #1 PERMIT
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) CN600505580
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Air Permit #20088 SC 1 OP
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)
Air Permit #56632 SC 8 OP
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)
Air Permit # 7121A SC # 6 PERMIT
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)
TCEQ Air Permit 7121A SC 6 OP
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)
TCEQ Air Permit #22079 SC 10H OP
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)
HRVOC Compliance Agreement, Condition 3 ORDER
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)
Air Permit #55632 SC 9 OP
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)
HRVOC Compliance Agreement Condition 7 ORDER
Description: TCEQ HRVOC Compliance Agreement Condition 7 states that [the rupture discs]
shall be installed by June 30, 2006.

Date: 01/16/2007 (531454) CN600505580

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079 SC 9 PERMIT

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)
TCEQ Air Permit #22079 SC 9 PERMIT

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)
TCEQ Air Permit #22079 SC 8 PERMIT

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)
TCEQ Air Permit #22079 SC 8 PERMIT

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)
TCEQ Air Permit #22079 SC 5 PERMIT

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)
TCEQ Air Permit # 55847 SC 5 PERMIT
TCEQ Air Permit # 56624 SC 4E PERMIT
TCEQ Air Permit #20088 SC 5 PERMIT

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)
TCEQ Air Permit #56632 SC 7 PERMIT

Description: Failed to monitor cooling tower water as required

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079 SC 9 PERMIT

Description: Failed to maintain scrubber recirculation rate as required

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079 SC 10C PERMIT

Description: Failed to maintain NH4OH batch records

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit #22079 SC 10H PERMIT

Description: Failed to maintain NH4OH batch records as required

Self Report? NO Classification: Minor

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

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)
TCEQ Air Permit # 22079 SC 12I PERMIT
TCEQ Air Permit # 55847 SC 7I PERMIT
TCEQ AIR Permit # 56624 SC 4H PERMIT

Description: Failed to record that leak repairs as required
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
TCEQ Air Permit # 20088 SC 6F PERMIT
TCEQ Air Permit # 56624 SC 4F PERMIT

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)
TCEQ Air Permit # 56632 SC 2B PERMIT

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)
TCEQ Air Permit # 56632 SC 2B PERMIT

Description: Failed to maintain tank production/throughput records as required

Date: 08/17/2007 (568701)

CN600505580

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Hazardous Waste Permit, HW-50389 PERMIT

Description: During the investigation and records review, it was noted that the Notice of Registration had inaccuracies that required updates.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)(B)
Hazardous Waste Permit, HW-50389 PERMIT

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)
Hazardous Waste Permit HW-50389 PERMIT

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.

Date: 08/26/2009 (762580)

CN600505580

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)
SC 12(F) PA
SC 4 PA
SC 6(F) PA
SC 7 PA
SC 8 OP
ST & C 1 (A) OP

Description: Failure to conduct quarterly fugitive monitoring within the required time frame.

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)

Permit 1592, ST & C 1(A) OP
Permit 1592, ST & C 8 OP
Permit No. 56632, SC 1 PA
Description: Failure to comply with the Particulate Matter (PM) emission limits in the MAERT for Permit No. 56632, SC 1.

Self Report? NO Classification: Minor

Citation: 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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Permit 1592, ST & C 1(A) OP
Permit 1592, ST & C 8 OP
Permit 22079, SC 12(E) PA
Permit No. 20088, SC 5 PA
Permit No. 55847, SC 9 PA
Permit No. 56624, SC 4(E) PA

Description: Failure to cap or plug 8 open-ended valves/ lines in VOC service during the certification period of January 1, 2008 to December 31, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Permit 1592, St & C 1(A) OP
Permit 1592, ST & C 8 OP
Permit 22079, SC 8(A) PA

Description: Failure to maintain the VOC scrubber's recirculation water pressure at >15 psi.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Permit 1592, ST & C 1(A) OP
Permit 1592, ST & C 8 OP
Permit 22079, SC 5 PA

Description: Failure to maintain the VOC scrubber water rate within the permitted limits.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.305
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Permit 1592, ST & C 1(A) OP
Permit 1592, ST & C 1(C) OP

Description: Failure to comply with the CO emission rate of 400 ppmv.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(1)
5C THSC Chapter 382 382.085(b)
Permit 1592, ST & C 1(A) OP

Description: Failure to record flow readings for AT-502-1 ("A" Train Foss Analyzer) and for AT-502-2 ("B" Train Foss Analyzer) every four hours for 1 out of 1092 occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Permit 1592, ST & C 1(A) OP
Permit 1592, ST & C 8 OP
Permit 22079, SC 9 PA

Description: Failure to maintain the records required when a batch of NH4OH is produced was not being maintained on site.

Date: 08/05/2010 (799319) CN600505580

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: Failure to conduct all required weekly container storage area inspections.

Date: 08/20/2010 (842890)

CN600505580

Self Report? NO

Classification: Moderate

Citation: 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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 12(E) PERMIT
SC 5 PERMIT

SC 7(E) PERMIT
ST & C 1(A) OP
ST & C 8 OP

Description: Failure to cap or plug 36 open-ended valves / lines in VOC service during the certification period of January 1, 2009 to December 31, 2009.

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)
SC 5 PERMIT
ST & C 1(A) OP
ST & C 8 OP

Description: Failure to maintain the VOC scrubber's recirculation water rate within the permitted limits.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to record flow readings for AT-502-1 ("A" Train Foss Analyzer) and for AT-502-2 ("B" Train Foss Analyzer) every four hours on 1 out of 720 occasions.

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)
SC 9 PERMIT
ST & C 1(A) OP
ST & C 8 OP

Description: Failure to maintain the ammonium hydroxide production tank within the permitted temperature limit.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
SC 4(B) PERMIT
SC 4(C) PERMIT
ST & C 1(A) OP
ST & C 8 OP

Description: Failure to operate the flare (EPN 560-5300FL) with a continuously lit pilot light.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST & C 5(C) OP

Description: Failure to comply with the control requirements for industrial wastewater.

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)
SC 1 PERMIT
ST & C 1(A) OP
ST & C 8 OP

Description: Failure to comply with the tons per year maximum allowable emission rate.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 12(K) PERMIT
SC 6(J) PERMIT

ST & C 1(A) OP
ST & C 8 OP

Description: Failure to maintain a record of weekly physical inspections of components in VOC service.

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**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1430-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 an organic 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 August 25, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Five Thousand Two Hundred Fifty Dollars (\$5,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand One Hundred Dollars (\$2,100) of the administrative penalty and One Thousand Fifty Dollars (\$1,050) 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. Two Thousand One Hundred Dollars (\$2,100) 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 may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to limit carbon monoxide ("CO") emissions from Boiler No. 2 (Emission Point No. 340/5101) to 400 parts per million volume ("ppmv") for three consecutive 24-hour averaging periods, in violation of 30 TEX. ADMIN. CODE §§ 117.305 (e)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1592, Special Terms & Conditions Nos. 1.A. and 1.C., as documented during an investigation conducted on July 22, 2010. Specifically, the 24-hour CO emissions averages were as follows: on January 11, 2009, 564.79 ppmv; on January 12, 2009, 722.2 ppmv; and on January 13, 2009, 520.26 ppmv; resulting in 910.9 pounds of CO to be emitted during the 58-hour event.

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. 2010-1430-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, Two Thousand One Hundred Dollars (\$2,100) of the assessed administrative penalty shall be offset with the condition that the Respondent implements 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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of the CO exceedances from Boiler No. 2 (Emission Point No. 340/5101); and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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.
5. 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.
6. 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.
7. 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. 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 Sordlie
For the Executive Director

Date 1/31/2011

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.

James E. Bizarro
Signature

Date 11/29/10

James E. Bizarro
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: 2010-1430-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ISP Technologies Inc.
Payable Penalty Amount: Four Thousand Two Hundred Dollars (\$4,200)
SEP Amount: Two Thousand One Hundred Dollars (\$2,100)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP: Texas Air Quality Control Region 216 – Houston-Galveston

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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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 Technologies Inc.
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 Enforcement Division 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.