

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1612-AIR-E **TCEQ ID:** RN100238492 **CASE NO.:** 40483
RESPONDENT NAME: GB Biosciences Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: GB Biosciences Greens Bayou Plant, 2239 Haden Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Agricultural 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 21, 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. 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. David R. Terrace, Plant Manager, GB Biosciences Corporation, 2239 Haden Road, Houston, Texas 77015 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 25, 2010</p> <p>Date of NOV/NOE Relating to this Case: September 17, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions. Specifically, Incident No. 139140 occurred on April 30, 2010, at the Chlorothalonil Unit due to overpressure in the Freon R-22 System, releasing 6,725 pounds of unauthorized R-22 (Monochlorodifluoromethane)-Freon into the atmosphere for three hours and 30 minutes. Since the emissions event could have been prevented by better operational and/or maintenance 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(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 234B, Special Conditions No. 1].</p>	<p>Total Assessed: \$9,850</p> <p>Total Deferred: \$1,970 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,940</p> <p>Total Paid to General Revenue: \$3,940</p> <p>Compliance History Classification: 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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on April 30, 2010, the Respondent flushed out the Freon line in the Chlorothalonil Unit and lowered the set point for the Advisory and Critical Alarms to levels below that at which the pressure relief valve relieves, in order to prevent a recurrence of emissions events due to the same causes as Incident No. 139140.</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>

Additional ID No(s): HG0195U

Attachment A
Docket Number: 2010-1612-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: GB Biosciences Corporation

Payable Penalty Amount: Seven Thousand Eight Hundred Eighty Dollars
(\$7,880)

SEP Amount: Three Thousand Nine Hundred Forty Dollars
(\$3,940)

Type of SEP: Pre-approved

Third-Party Recipient: Barbers Hill Independent School District-Alternative
Fueled Vehicle and Equipment Program

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

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 air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

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:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

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.

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	22-Sep-2010	Screening	22-Sep-2010	EPA Due	
	PCW	15-Nov-2010				

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

CASE INFORMATION				
Enf./Case ID No.	40483	No. of Violations	1	
Docket No.	2010-1612-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
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	122.0% Enhancement	Subtotals 2, 3, & 7	\$6,100
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Notes: Enhancement for nine same/similar NOV's, 19 dissimilar NOV's, and two orders with denial of liability. Reduction for one notice of audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$0
 Approx. Cost of Compliance: \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,850
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$9,850
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,850
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,970
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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	\$7,880
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Screening Date 22-Sep-2010

Docket No. 2010-1612-AIR-E

PCW

Respondent GB Biosciences Corporation

Policy Revision 2 (September 2002)

Case ID No. 40483

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238492

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 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	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 122%

>> 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, 19 dissimilar NOVs, and two orders with denial of liability. Reduction for one notice of audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 122%

Screening Date 22-Sep-2010

Docket No. 2010-1612-AIR-E

PCW

Respondent GB Biosciences Corporation

Policy Revision 2 (September 2002)

Case ID No. 40483

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238492

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and New Source Review Permit No. 234B, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, Incident No. 139140 occurred on April 30, 2010, at the Chlorothalonil Unit due to overpressure in the Freon R-22 System, releasing 6,725 pounds of unauthorized R-22 (Monochlorodifluoromethane)-Freon into the atmosphere for three hours and 30 minutes. Since the emissions event could have been prevented by better operational and/or maintenance 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 50%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

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

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent completed corrective actions for this violation on April 30, 2010, prior to the September 17, 2010 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,850

This violation Final Assessed Penalty (adjusted for limits) \$9,850

Economic Benefit Worksheet

Respondent GB Biosciences Corporation
Case ID No. 40483
Reg. Ent. Reference No. RN100238492
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	30-Apr-2010	30-Apr-2010	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 flush out the Freon line in the Chlorothalonil Unit to lower the set point for the Advisory and Critical Alarms to levels below that at which the pressure relief valve relieves, in order to prevent a recurrence of emissions events due to the same causes as Incident No. 139140. The date required is the date of the unauthorized discharge. The final date is the date compliance was achieved.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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: CN600132831 GB Biosciences Corporation Classification: AVERAG Rating: 2.97
Regulated Entity: RN100238492 GB BIOSCIENCES GREENS BAYOU PLANT Classification: AVERAGE Site Rating: 2.94

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0195U
	AIR OPERATING PERMITS	PERMIT	2264
	AIR OPERATING PERMITS	PERMIT	2265
	AIR OPERATING PERMITS	PERMIT	2266
	AIR OPERATING PERMITS	PERMIT	2267
	UTILITIES	REGISTRATION	20846
	WASTEWATER	PERMIT	WQ0000749000
	WASTEWATER	EPA ID	TX0007439
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50205
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD000836486
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30552
	AIR NEW SOURCE PERMITS	PERMIT	53291
	AIR NEW SOURCE PERMITS	PERMIT	234B
	AIR NEW SOURCE PERMITS	REGISTRATION	75886
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0195U
	AIR NEW SOURCE PERMITS	AFS NUM	4820100178
	AIR NEW SOURCE PERMITS	PERMIT	329A
	AIR NEW SOURCE PERMITS	PERMIT	3475A
	AIR NEW SOURCE PERMITS	PERMIT	4893A
	AIR NEW SOURCE PERMITS	PERMIT	10998
	AIR NEW SOURCE PERMITS	PERMIT	10999
	AIR NEW SOURCE PERMITS	PERMIT	11974
	AIR NEW SOURCE PERMITS	PERMIT	19694
	AIR NEW SOURCE PERMITS	REGISTRATION	31043
	AIR NEW SOURCE PERMITS	REGISTRATION	32348
	AIR NEW SOURCE PERMITS	REGISTRATION	70328
	AIR NEW SOURCE PERMITS	REGISTRATION	70879
	AIR NEW SOURCE PERMITS	REGISTRATION	72330
	AIR NEW SOURCE PERMITS	REGISTRATION	56638
	AIR NEW SOURCE PERMITS	REGISTRATION	55640
	AIR NEW SOURCE PERMITS	REGISTRATION	73744
	AIR NEW SOURCE PERMITS	REGISTRATION	74233
	AIR NEW SOURCE PERMITS	REGISTRATION	74245
	AIR NEW SOURCE PERMITS	REGISTRATION	74243

AIR NEW SOURCE PERMITS	REGISTRATION	74401
AIR NEW SOURCE PERMITS	REGISTRATION	76529
AIR NEW SOURCE PERMITS	REGISTRATION	76929
AIR NEW SOURCE PERMITS	REGISTRATION	76871
AIR NEW SOURCE PERMITS	REGISTRATION	77283
AIR NEW SOURCE PERMITS	REGISTRATION	78869
AIR NEW SOURCE PERMITS	REGISTRATION	79652
AIR NEW SOURCE PERMITS	REGISTRATION	79764
AIR NEW SOURCE PERMITS	REGISTRATION	91423
AIR NEW SOURCE PERMITS	REGISTRATION	90283
STORMWATER	PERMIT	TXR05T717
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30552
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0195U

Location: 2239 HADEN RD, HOUSTON, TX, 77015

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 20, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 20, 2005 to September 20, 2010

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: 9/1/2010 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: 05/22/2008

ADMINORDER 2007-1449-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: O-02264, SC 2F OP

Description: Failed to notify the commission of a reportable emission event no later than 24 hours after the discovery of the event

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failed to comply with permitted emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Emitted unauthorized emissions of R-22

Effective Date: 02/22/2010

ADMINORDER 2009-1394-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to submit a Permit Compliance Certification within the required timeframe for the IPN Unit (Category A(8)(c)(1)(E) violation).
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)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to report all instances of deviations for the IPN Unit (Category C3).
Classification: Minor
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
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to submit the first semi-annual deviation report within the required timeframe for the IPN Unit (Category B3 violation).

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	10/03/2005	(441007)
2	10/31/2005	(435384)
3	10/31/2005	(441008)
4	10/31/2005	(468742)
5	10/31/2005	(468743)
6	12/09/2005	(438814)
7	12/22/2005	(468744)
8	01/17/2006	(437964)
9	01/30/2006	(468745)
10	02/03/2006	(439429)
11	02/28/2006	(468740)
12	03/30/2006	(468741)
13	04/18/2006	(457515)
14	05/02/2006	(498417)
15	05/11/2006	(508617)
16	05/31/2006	(462939)
17	06/01/2006	(498418)

18	07/05/2006	(498419)
19	07/28/2006	(520421)
20	08/18/2006	(530971)
21	08/28/2006	(510079)
22	08/29/2006	(520422)
23	10/03/2006	(575742)
24	10/12/2006	(512488)
25	10/20/2006	(512619)
26	10/26/2006	(513836)
27	11/02/2006	(575743)
28	11/29/2006	(519696)
29	11/30/2006	(575744)
30	12/05/2006	(512461)
31	12/08/2006	(519510)
32	12/13/2006	(532415)
33	01/03/2007	(575746)
34	01/23/2007	(575747)
35	01/25/2007	(534799)
36	02/05/2007	(593185)
37	02/08/2007	(534179)
38	02/15/2007	(539383)
39	03/05/2007	(575736)
40	03/28/2007	(575737)
41	04/02/2007	(575745)
42	04/19/2007	(557180)
43	04/27/2007	(575738)
44	05/11/2007	(556658)
45	05/11/2007	(557189)
46	05/29/2007	(575739)
47	06/20/2007	(575740)
48	06/29/2007	(593186)
49	07/18/2007	(563511)
50	07/18/2007	(575741)
51	08/06/2007	(568504)
52	08/13/2007	(566666)
53	08/20/2007	(607609)
54	08/22/2007	(532550)
55	08/22/2007	(571189)
56	09/13/2007	(607613)
57	09/17/2007	(607610)
58	10/04/2007	(595674)
59	10/05/2007	(574474)
60	10/15/2007	(607611)
61	10/17/2007	(607612)
62	11/30/2007	(595561)
63	12/18/2007	(619675)
64	01/24/2008	(619674)
65	02/05/2008	(672196)
66	03/14/2008	(672193)
67	04/15/2008	(672194)
68	04/15/2008	(672195)
69	05/28/2008	(657164)
70	06/17/2008	(683439)
71	06/18/2008	(690109)
72	07/16/2008	(690110)
73	07/17/2008	(685712)
74	08/15/2008	(686708)
75	08/19/2008	(681435)

76	08/22/2008	(610534)
77	08/22/2008	(688400)
78	10/20/2008	(710896)
79	10/20/2008	(710897)
80	10/20/2008	(710898)
81	10/20/2008	(710899)
82	12/19/2008	(727601)
83	01/16/2009	(709674)
84	01/20/2009	(727600)
85	02/17/2009	(689519)
86	03/19/2009	(750408)
87	03/19/2009	(750410)
88	03/19/2009	(750411)
89	04/02/2009	(703402)
90	04/07/2009	(740827)
91	04/14/2009	(735968)
92	04/17/2009	(750409)
93	04/21/2009	(721075)
94	06/12/2009	(768466)
95	08/14/2009	(747437)
96	08/19/2009	(805035)
97	08/19/2009	(805038)
98	08/26/2009	(765267)
99	09/11/2009	(767347)
100	09/17/2009	(805036)
101	10/21/2009	(805037)
102	11/30/2009	(782666)
103	12/02/2009	(767590)
104	12/16/2009	(805039)
105	12/18/2009	(767589)
106	12/21/2009	(782661)
107	01/20/2010	(781379)
108	01/21/2010	(787732)
109	01/22/2010	(805040)
110	02/23/2010	(805034)
111	03/22/2010	(795871)
112	03/24/2010	(831013)
113	03/29/2010	(784742)
114	04/06/2010	(796517)
115	04/07/2010	(795082)
116	04/22/2010	(831014)
117	05/25/2010	(831015)
118	06/15/2010	(800949)
119	06/21/2010	(826664)
120	06/21/2010	(846312)
121	07/22/2010	(860902)
122	09/17/2010	(803545)

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

Date:	02/03/2006	(439429)	
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.10(d) 30 TAC Chapter 122, SubChapter B 122.143(4) No. O-02267, Special Condition 2E OP		
Description:	Failure to include a certifying statement with the 2003 Annual Emission Inventory.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter F 116.615(2)		

30 TAC Chapter 122, SubChapter B 122.143(4)
No. O-02267, SC 9 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
No. O-02267, SC 5D OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
No. O-02267, SC 9 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter C 122.217(a)(2)

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

Date: 03/31/2006 (498417)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 04/19/2006 (457515)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4893A, SC10A PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02266, SC 1A and 9 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4893A, SC 2 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02266, SC 1A and 9 OP

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

Date: 05/11/2006 (508617)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/18/2006 (530971)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/20/2006 (512619)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

O-02265, SC 3(B)(iii) OP

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

Date: 12/11/2006 (519510) CN600132831

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit No. 234B, SC No. 1 PA

Description: Failed to prevent a leak on the plug valve on the Chlorine/HCL Spiltter distillation column.

Date: 12/13/2006 (532415)

Self Report? NO Classification: Moderate

Citation: 234B PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: GBB failed to prevent the emissions event.

Date: 01/16/2007 (534179)

Self Report? NO Classification: Moderate

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

Description: GBB failed to prevent the opacity event.

Date: 01/25/2007 (534799)

Self Report? NO Classification: Moderate

Citation: 234B, Special Condition No. 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: GBB failed to prevent the emissions event.

Date: 02/05/2007 (593185) CN600132831

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/30/2007 (575739) CN600132831

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 06/29/2007 (593186) CN600132831

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 11/30/2007 (595561) CN600132831

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)
NSR 234B, SC#11 PERMIT
O-02264, SC#8 OP

Description: Failure to maintain vent gas incinerator operations at 99.9% destruction efficiency for HCL and Chlorine.

Self Report? NO Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR 234B SC#14 PERMIT
O-02264, SC#8 OP

Description: Failure to do continuous monitoring for the CTL I and II Environmental Vent Scrubbers.

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)
NSR 234B SC#13 PERMIT
O-02264, SC#8 OP

Description: Failure to recharge EVS caustic when the caustic strength drops below 10%.

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)
NSR 234B, SC#15 PERMIT
O-02264, SC#8 OP

Description: Failure to operate the incinerator with no less than 2.0% oxygen.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR 234B, SC5 PERMIT
O-02264, SC#8 OP

Description: Failure to conduct audio/visual/olfactory leak checks in the chlorine unloading area.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02264, General Term & Conditions OP

Description: Failure to report a deviation.

Date: 05/31/2008 (690109)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 06/30/2008 (672196)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 08/20/2008 (681435)

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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
4893A, SC 9E PA
5C THSC Chapter 382 382.085(b)
O-02266, SC 10 OP

Description: Failure to plug/cap all open ended lines.

Date: 01/16/2009 (709674)

Self Report? NO Classification: Moderate

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

5C THSC Chapter 382 382.085(b)
Special Terms and Conditions PERMIT
Description: Failure to prevent frost build-up on a chlorine line causing the line to fail.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)
Description: Failure to include permit number on the final report on August 26, 2008.

Date: 01/31/2009 (727600) CN600132831
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/17/2009 (689519)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
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, Special Condition 3F PERMIT
O-02267 Special Condition 9 OP

Description: Failure to conduct fugitive monitoring of valve in VOC service during 2nd quarter of 2007.

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)
FOP O-02267, Special Condition 9 OP
NSR, Special Condition 11C PERMIT

Description: Failure to conduct quarterly opacity observations of coating operations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(2)
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)
FOP O-02267, Special Condition 9 OP
NSR, Special Condition 3C PERMIT

Description: Failure to comply with the recordkeeping requirements of authorized maintenance activities.

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, Special Condition 6 PERMIT
O-02267 Special Condition 9 OP

Description: Failure to sample, monitor and record the mixed liquid total suspended solids (MLSS) concentration.

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)
FOP, Special Condition 9 OP
NSR, Special Condition 11 PERMIT

Description: Failure to conduct and maintain continuous emission monitoring of the primary and secondary beds.

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)
FOP, Special Condition 9 OP
NSR, Special Condition 12 PERMIT

Description: Failure to perform monthly monitoring of the Wastewater Treatment System (WTS) supplemental carbon canisters.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.219(f)(6)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02267, Special Condition 9 OP
Description: Failure to document the start and end operation time of the Dacthal Emergency Generator (EPN GBD076).

Date: 04/02/2009 (703402)

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)
Special Condition 1 PERMIT
Special Condition 7 OP
Description: Failure to maintain emissions below the Maximum Allowable Emission Rate listed

in NSR Permit 3475A for unit GBM027. (Category B13)

Date: 05/31/2009 (768466)

CN600132831

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/14/2009 (747437)

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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 9 OP
Special Condition 9E PA
Description: Failure to seal open-ended lines for IPN Unit fugitives: EPN FGBP01 (Category C10 violation).

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)
Special Condition 10A PA
Special Condition 1A OP
Special Condition 9 OP
Description: Failure to document AVO inspections for ammonia for FGBP01 (fugitives in the IPN unit) (Category C1 violation).

Date: 12/02/2009 (767590)

CN600132831

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.165(b)
5C THSC Chapter 382 382.085(b)
FOP O-2265, General Terms and Conditions ORDER
Description: Failure to certify the semi-annual deviation report for the period June 23, 2008 through December 22, 2008. (CATEGORY B3 violation)

Date: 12/18/2009 (767589)

CN600132831

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
FOP O-2264, GTC ORDER
Description: Failure to certify compliance for at least each 12-month period. (CATEGORY C7)

violation)

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)
 FOP O-2264, SC 8 ORDER
 NSR, SC 15 PERMIT

Description: Failure to operate the incinerator (EPN: GBB001) with less than 2 percent oxygen between May 4, 2008 and June 1, 2008. (CATEGORY B19g1 violation)

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)
 FOP O-2264, SC 8 ORDER
 NSR, SC 15 PERMIT

Description: Failure to operate the incinerator (EPN: GBB001) with more than 400 parts per million volume (ppmv) dry carbon monoxide (CO) between May 21, 2008 and June 2, 2008. (CATEGORY B19g1 violation)

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)
 FOP O-2264, SC 8 ORDER
 NSR, SC 15 PERMIT

Description: Failure to operate the incinerator (EPN: GBB001) with not less than 1800 degrees Fahrenheit firebox exit temperature between May 21, 2008 and July 12, 2008. (CATEGORY B19g1 violation)

Date: 12/21/2009 (782661) CN600132831

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 50205 IHWPERMTCP

Description: Failure to update the Notice of Registration for waste management unit information.

Self Report? NO Classification: Minor
 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 fully complete the weekly inspection log for hazardous waste container storage areas.

Date: 03/29/2010 (784742)

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)
 Special Condition 8 PERMIT
 Special Term and Condition 10 OP
 Special Term and Condition 9 PERMIT

Description: Failure to maintain grit blast usage below the permitted limit of 500 lbs/hr. (Category B19g(1) violation)

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)
 Special Condition 1 PERMIT
 Special Term and Condition 10 OP

Description: Failure to maintain hourly PM and PM10 emissions from EPN GBU061 and EPN FGBU03 below the permitted MAERT limit. (Category B19g(1) violation)

Date: 04/06/2010 (796517)

Self Report? NO

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions resulting from installation of an improper gasket.

F. Environmental audits.

08/06/2007

(574295)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-1612-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding GB Biosciences Corporation ("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 agricultural chemical manufacturing plant at 2239 Haden Road in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and 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 September 22, 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 Nine Thousand Eight Hundred Fifty Dollars (\$9,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Nine Hundred Forty Dollars (\$3,940) of the administrative penalty and One Thousand Nine Hundred Seventy Dollars (\$1,970) 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. Three Thousand Nine Hundred Forty Dollars (\$3,940) 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 on April 30, 2010, the Respondent flushed out the Freon line in the Chlorothalonil Unit and lowered the set point for the Advisory and Critical Alarms to levels below that at which the pressure relief valve relieves, in order to prevent a recurrence of emissions events due to the same causes as Incident No. 139140.
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 failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 234B, Special Conditions No. 1, as documented during an investigation conducted on May 25, 2010. Specifically, Incident No. 139140 occurred on April 30, 2010, at the Chlorothalonil Unit due to overpressure in the Freon R-22 System, releasing 6,725 pounds of unauthorized R-22 (Monochlorodifluoromethane)-Freon into the atmosphere for three hours and 30 minutes. Since the emissions event could have been prevented by better operational and/or maintenance 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: GB Biosciences Corporation, Docket No. 2010-1612-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, Three Thousand Nine Hundred Forty Dollars (\$3,940) 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.

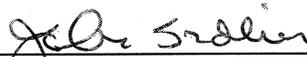
The determination of what constitutes good cause rests solely with the Executive Director.

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 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.
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



For the Executive Director

Date 2/17/2011

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.



Signature

Date 1/13/11

DAVID TERRACE
Name (Printed or typed)
Authorized Representative of
GB Biosciences Corporation

PLANT 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: 2010-1612-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: GB Biosciences Corporation

Payable Penalty Amount: Seven Thousand Eight Hundred Eighty Dollars
(\$7,880)

SEP Amount: Three Thousand Nine Hundred Forty Dollars
(\$3,940)

Type of SEP: Pre-approved

Third-Party Recipient: Barbers Hill Independent School District-Alternative
Fueled Vehicle and Equipment Program

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

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 air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

C. Minimum Expenditure

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:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

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.

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.