

Executive Summary – Enforcement Matter – Case No. 41734
ISP Technologies Inc.
RN100825272
Docket No. 2011-0841-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

ISP Technologies Texas City Plant, 4501 Attwater Avenue, Texas City, Galveston County

Type of Operation:

Specialty chemicals manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 18, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,520

Amount Deferred for Expedited Settlement: \$2,704

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$10,816

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41734

ISP Technologies Inc.

RN100825272

Docket No. 2011-0841-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 11, 2011

Date(s) of NOE(s): May 18, 2011

Violation Information

1. Failed to comply with the concentration limit for carbon monoxide (“CO”). Specifically, during stack testing conducted on August 6, 2010 at the Polyvinyl Pyrrolidone (“PVP”) Spray Dryer 2 (Emission Point No. (“EPN”) 162/4209SC), concentration for CO was 518.23 parts per million by volume (“ppmv”). The state allowable concentration limit for CO in the Galveston Nonattainment Area is 400 ppmv [30 TEX. ADMIN. CODE § 117.310(c)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to conduct a stack test and submit the test report prior to the March 31, 2007 deadline for the Polyvinyl Polypyrrolidone (“PVPP”) Spray Dryer Heater Stack (EPN H159/3802) and PVP Spray Dryer 2 (EPN 162/4209SC). Specifically, the reference method stack tests were completed August 5, 2010 and August 6, 2010, respectively, and the test reports were submitted to the TCEQ Houston Regional Office on October 1, 2010 [30 TEX. ADMIN. CODE §§ 117.335(a), 117.9020(2)(C)(i), and 122.143(4), FOP No. O-1592 Special Terms and Conditions No. 18.A.(i)2., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

a. On October 1, 2010, the stack testing results for the PVPP Spray Dryer Heater Stack [EPN H159/3802] and the PVP Spray Dryer 2 (EPN 162/4209SC) were submitted to the TCEQ Houston Regional Office; and

b. On December 20, 2010, emissions testing was completed that demonstrated compliance with the state allowable concentration limit for CO in the Galveston Nonattainment Area from the PVP Spray Dryer 2 (EPN 162/4209SC).

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Executive Summary – Enforcement Matter – Case No. 41734

ISP Technologies Inc.

RN100825272

Docket No. 2011-0841-AIR-E

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: James Nolan, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-6634; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: James E. Bizarro, Vice President - Texas Manufacturing and Strategic
Asset Development, ISP Technologies Inc., 4501 Attwater Avenue, Texas City, Texas
77592

David Pastalaniec, Manager - Safety and Environmental, ISP Technologies Inc., 4501
Attwater Avenue, Texas City, Texas 77592

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-May-2011	Screening	26-May-2011	EPA Due	12-Feb-2012
	PCW	29-Sep-2011				

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.	41734	No. of Violations	2
Docket No.	2011-0841-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		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** **\$7,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **111.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,770**

Notes: Enhancement for eight NOVs with same/similar violations, six NOVs with dissimilar violations, and three orders with denial of liability. Reduction for one Notice of Intent to conduct an audit.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts **\$684**
 Approx. Cost of Compliance **\$11,500**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$13,520**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$13,520**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$13,520**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,704**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$10,816**

Screening Date 26-May-2011

Docket No. 2011-0841-AIR-E

PCW

Respondent ISP Technologies Inc.

Policy Revision 2 (September 2002)

Case ID No. 41734

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825272

Media [Statute] Air

Enf. Coordinator James Nolan

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>)	8	40%
	Other written NOVs	6	12%
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%
<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) 111%

>> 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 eight NOVs with same/similar violations, six NOVs with dissimilar violations, and three orders with denial of liability. Reduction for one Notice of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 111%

Screening Date 26-May-2011

Docket No. 2011-0841-AIR-E

PCW

Respondent ISP Technologies Inc.

Policy Revision 2 (September 2002)

Case ID No. 41734

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825272

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 117.310(c)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the concentration limit for carbon monoxide ("CO"). Specifically, during stack testing conducted on August 6, 2010 at the Polyvinyl Pyrrolidone ("PVP") Spray Dryer 2 [Emission Point Number ("EPN") 162/4209SC], concentration for CO was 518.23 parts per million by volume ("ppmv"). The state allowable concentration limit for CO in the Galveston Nonattainment Area is 400 ppmv.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

136 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended from the date of the emissions test (August 6, 2010) through the date of compliance (December 20, 2010).

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 on December 20, 2010, prior to the May 18, 2011 Notice of Enforcement ("NOE").

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$158

Violation Final Penalty Total \$9,300

This violation Final Assessed Penalty (adjusted for limits) \$9,300

Economic Benefit Worksheet

Respondent ISP Technologies Inc.
Case ID No. 41734
Reg. Ent. Reference No. RN100825272
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$7,000	6-Aug-2010	20-Dec-2010	0.37	\$130	n/a	\$130
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	6-Aug-2010	20-Dec-2010	0.37	\$28	n/a	\$28

Notes for DELAYED costs

Estimated costs to modify policies and procedures to operate the PVP Spray Dryer 2 within state allowable concentration limits and emissions testing to demonstrate compliance. The date required is the date of the emissions testing and the final date is the 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

\$8,500

TOTAL

\$158

Screening Date 26-May-2011
Respondent ISP Technologies Inc.
Case ID No. 41734

Docket No. 2011-0841-AIR-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825272

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 117.335(a), 117.9020(2)(C)(i), and 122.143(4), FOP No. O-1592 Special Terms and Conditions No. 18.A.(i)2., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct a stack test and submit the test report prior to the March 31, 2007 deadline for the Polyvinyl Polypyrrolidone Spray Dryer Heater Stack (EPN H159/3802) and PVP Spray Dryer 2 (EPN 162/4209SC). Specifically, the reference method stack tests were completed August 5, 2010 and August 6, 2010, respectively, and the test reports were submitted to the TCEQ Houston Regional Office on October 1, 2010.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

1280 Number of violation days

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

Violation Base Penalty \$2,000

Two single events are recommended, one for each unit.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$526

Violation Final Penalty Total \$4,220

This violation Final Assessed Penalty (adjusted for limits) \$4,220

Economic Benefit Worksheet

Respondent ISP Technologies Inc.
Case ID No. 41734
Reg. Ent. Reference No. RN100825272
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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				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)	\$3,000	31-Mar-2007	1-Oct-2010	3.51	\$526	n/a	\$526

Notes for DELAYED costs

Estimated costs to conduct stack testing and to submit results to the regional office. The date required is the deadline to submit the stack testing results and the final date is the date the results were submitted.

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

\$3,000

TOTAL

\$526

Compliance History

Customer/Respondent/Owner-Operator:	CN600505580	ISP Technologies Inc.	Classification: AVERAGE	Rating: 2.34
Regulated Entity:	RN100825272	ISP TECHNOLOGIES TEXAS CITY PLANT	Classification: AVERAGE	Site Rating: 3.83
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
	WASTEWATER	PERMIT		WQ0001263000
	WASTEWATER	EPA ID		TX0007323
	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	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	REGISTRATION		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		74486
	AIR NEW SOURCE PERMITS	REGISTRATION		77635
	AIR NEW SOURCE PERMITS	REGISTRATION		78465
	AIR NEW SOURCE PERMITS	REGISTRATION		78477
	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		95566
	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
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30037
POLLUTION PREVENTION PLANNING	ID NUMBER	P00350
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0028U

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 25, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 25, 2006 to May 25, 2011

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

Name: James Nolan Phone: (512) 239-6634

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: 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.

Effective Date: 05/08/2011

ADMINORDER 2010-1430-AIR-E

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)

Rqmt Prov: Permit 1592 ST & C 1(C) OP
ST & C 1(A) OP

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

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	08/29/2006	(456599)
2	08/07/2006	(459888)
3	07/05/2006	(462390)
4	09/07/2006	(487830)
5	06/16/2006	(498407)
6	10/16/2006	(511635)
7	10/16/2006	(511647)
8	08/07/2006	(520412)
9	09/13/2006	(520413)
10	09/20/2006	(520414)
11	09/20/2006	(520415)
12	01/16/2007	(531454)
13	01/04/2007	(533630)
14	01/31/2007	(534825)
15	01/10/2007	(534920)
16	01/30/2007	(537480)
17	02/28/2007	(539514)
18	04/16/2007	(542049)
19	04/12/2007	(543315)
20	04/12/2007	(543323)
21	04/12/2007	(543334)
22	04/12/2007	(553959)
23	04/12/2007	(553961)
24	04/12/2007	(553962)
25	04/12/2007	(553965)
26	04/25/2007	(554932)
27	05/16/2007	(556056)
28	04/05/2007	(556103)
29	05/14/2007	(559039)
30	05/14/2007	(559042)
31	05/14/2007	(559044)
32	08/17/2007	(568701)
33	02/12/2007	(575711)
34	03/19/2007	(575712)
35	06/21/2007	(575713)
36	04/09/2007	(575714)

37	05/09/2007	(575715)
38	06/06/2007	(575716)
39	07/16/2007	(575717)
40	08/08/2007	(575718)
41	11/08/2006	(575719)
42	12/11/2006	(575720)
43	06/21/2007	(575721)
44	11/30/2007	(596064)
45	03/28/2008	(597485)
46	10/25/2007	(597576)
47	11/13/2007	(600543)
48	11/16/2007	(600672)
49	01/08/2008	(600702)
50	09/11/2007	(607604)
51	10/08/2007	(607605)
52	01/16/2008	(609836)
53	01/16/2008	(613311)
54	01/23/2008	(614942)
55	02/21/2008	(618894)
56	11/08/2007	(619666)
57	12/13/2007	(619667)
58	03/25/2008	(637152)
59	03/25/2008	(637153)
60	03/25/2008	(637154)
61	03/25/2008	(638150)
62	03/25/2008	(638153)
63	03/25/2008	(638156)
64	03/25/2008	(638163)
65	04/29/2008	(639408)
66	04/29/2008	(640872)
67	04/29/2008	(640878)
68	05/23/2008	(654401)
69	05/23/2008	(654412)
70	05/23/2008	(654423)
71	02/15/2008	(672185)
72	03/06/2008	(672186)
73	04/09/2008	(672187)
74	10/24/2008	(687246)
75	05/14/2008	(690099)
76	06/09/2008	(690100)
77	07/11/2008	(690101)
78	08/25/2008	(699510)
79	08/25/2008	(700385)
80	08/28/2008	(700468)
81	10/09/2008	(704815)
82	01/06/2009	(709671)
83	08/12/2008	(710886)
84	10/07/2008	(710887)

85	10/07/2008	(710888)
86	02/17/2009	(723615)
87	02/16/2009	(725518)
88	02/24/2009	(726319)
89	02/24/2009	(726322)
90	02/24/2009	(726328)
91	02/24/2009	(726333)
92	11/19/2008	(727592)
93	01/12/2009	(727593)
94	04/09/2009	(740334)
95	04/09/2009	(740347)
96	04/06/2009	(740426)
97	04/09/2009	(740441)
98	04/09/2009	(740448)
99	06/30/2009	(747791)
100	06/30/2009	(748114)
101	06/30/2009	(748117)
102	06/30/2009	(748120)
103	02/19/2009	(750400)
104	03/09/2009	(750401)
105	04/17/2009	(750402)
106	12/16/2008	(750403)
107	08/26/2009	(762580)
108	08/14/2009	(764775)
109	09/03/2009	(767083)
110	05/15/2009	(768459)
111	06/09/2009	(768460)
112	04/22/2010	(796440)
113	08/05/2010	(799319)
114	04/29/2010	(799692)
115	02/12/2010	(805008)
116	07/20/2009	(805009)
117	08/18/2009	(805010)
118	09/10/2009	(805011)
119	09/30/2009	(805012)
120	11/17/2009	(805013)
121	12/11/2009	(805014)
122	01/14/2010	(805015)
123	06/15/2010	(825726)
124	06/15/2010	(825748)
125	06/15/2010	(825754)
126	07/30/2010	(828760)
127	07/30/2010	(828761)
128	03/16/2010	(831005)
129	04/20/2010	(831006)
130	05/17/2010	(831007)
131	08/20/2010	(842890)
132	08/30/2010	(844431)

133 08/30/2010 (844438)
 134 03/17/2011 (844440)
 135 08/30/2010 (844441)
 136 08/30/2010 (844443)
 137 06/16/2010 (846309)
 138 07/15/2010 (860899)
 139 08/18/2010 (866874)
 140 09/10/2010 (873945)
 141 10/11/2010 (881542)
 142 05/18/2011 (884614)
 143 11/16/2010 (888065)
 144 02/15/2011 (894400)
 145 02/15/2011 (894734)
 146 12/13/2010 (896288)
 147 10/11/2010 (902347)
 148 03/17/2011 (905240)
 149 03/17/2011 (905245)
 150 03/21/2011 (906764)
 151 02/16/2011 (909130)
 152 03/18/2011 (916381)

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

Date: 06/30/2006 (498407) CN600505580
 Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/05/2006 (462390) CN600505580
 Self 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 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 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 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 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 NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 Description: Failed to maintain daily notations
 Self 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 01/16/2008 (609836) CN600505580

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Other Requirements, P. 12, No. 2. PERMIT

Description: Failure to accurately complete the discharge monitoring reports.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(c)

Description: Failure to adequately calibrate the pH meter each day that samples are analyzed.

Date 02/28/2009 (750401) CN600505580

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 08/26/2009 -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.
 Date 01/31/2011 (909130) CN600505580
 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

F. Environmental audits.

Notice of Intent Date: 08/06/2007 (574306)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ISP TECHNOLOGIES INC.
RN100825272

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2011-0841-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a specialty chemical manufacturing plant at 4501 Attwater Avenue in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 23, 2011.
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 Thirteen Thousand Five Hundred Twenty Dollars (\$13,520) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Eight Hundred

Sixteen Dollars (\$10,816) of the administrative penalty and Two Thousand Seven Hundred Four Dollars (\$2,704) 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.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On October 1, 2010, the stack testing results for the Polyvinyl Polypyrrolidone ("PVPP") Spray Dryer Heater Stack [Emission Point Number ("EPN") H159/3802] and the Polyvinyl Pyrrolidone ("PVP") Spray Dryer 2 (EPN 162/4209SC) were submitted to the TCEQ Houston Regional Office; and
 - b. On December 20, 2010, emissions testing was completed that demonstrated compliance with the state allowable concentration limit for carbon monoxide ("CO") in the Galveston Nonattainment Area from the PVP Spray Dryer 2 (EPN 162/4209SC);
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with the concentration limit for CO, in violation of 30 TEX. ADMIN. CODE § 117.310(c)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 11, 2011. Specifically, during stack testing conducted on August 6, 2010 at the PVP Spray Dryer 2 (EPN 162/4209SC), concentration for CO was 518.23 parts per million by volume ("ppmv"). The state allowable concentration limit for CO in the Galveston Nonattainment Area is 400 ppmv.

2. Failed to conduct a stack test and submit the test report prior to the March 31, 2007 deadline for the PVPP Spray Dryer Heater Stack (EPN H159/3802) and PVP Spray Dryer 2 (EPN 162/4209SC), in violation of 30 TEX. ADMIN. CODE §§ 117.335(a), 117.9020(2)(C)(i), and 122.143(4), FOP No. O-1592 Special Terms and Conditions No. 18.A.(i)2., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 11, 2011. Specifically, the reference method stack tests were completed August 5, 2010 and August 6, 2010, respectively, and the test reports were submitted to the TCEQ Houston Regional Office on October 1, 2010.

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. 2011-0841-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 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.
3. 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.
4. 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.

5. 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

D. J. O. for R. Hyde
For the Executive Director

12-21-11
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

E. Bizarro
Signature

10/4/11
Date

James E. Bizarro
Name (Printed or typed)
Authorized Representative of
ISP Technologies Inc.

Vice President Texas Manufacturing
Title
and Strategic Asset Development

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.