

Executive Summary – Enforcement Matter – Case No. 48740
ISP TECHNOLOGIES INC.
RN100825272
Docket No. 2014-0748-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - IHW, UIC

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Basic organic 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: October 17, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$33,768

Amount Deferred for Expedited Settlement: \$6,753

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$27,015

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 5, 2014

Date(s) of NOE(s): May 14, 2014

Executive Summary – Enforcement Matter – Case No. 48740
ISP TECHNOLOGIES INC.
RN100825272
Docket No. 2014-0748-MLM-E

Violation Information

1. Failed to maintain an operating wellhead injection pressure that does not exceed the permitted maximum. Specifically, the operating surface wellhead injection pressure in Waste Disposal Well (“WDW”) 034 reached 912 pounds per square inch gauge (“psig”) on February 23, 2011, 914 psig on November 12, 2012, 907 psig on January 27, 2013, 928 psig on March 19, 2013, and 923 psig on July 1, 2013 which exceeded the 900 psig permitted maximum. In addition, the operating surface wellhead injection pressure in WDW299 reached 918 psig on May 4, 2013 which exceeded the 886 psig permitted maximum [30 TEX. ADMIN. CODE § 331.63(c), 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 146.67(a) and Underground Injection Control (“UIC”) Permit Nos. WDW034 and WDW299, Provision VII.B and VIII.B].
2. Failed to conduct quarterly testing and calibrations on all injection and wellhead flow gauges. Specifically, gauge calibrations were not conducted on WDW034 in quarter 3 and quarter 4 of the year 2013 and on WDW113 in quarter 1, quarter 2, and quarter 3 of the year 2013 [30 TEX. ADMIN. CODE § 331.63(g)].
3. Failed to timely submit Class I well injection operation quarterly reports to the Commission within 20 days of the end of each quarter. Specifically, quarterly reports were not timely submitted for quarters 3 and 4 of the year 2011, quarters 2, 3 and 4 of the year 2012 and for all 4 quarters of the year 2013 for WDW034, WDW113, WDW114 and WDW299. Specifically, the reports were submitted on April 14, 2014 [30 TEX. ADMIN. CODE § 331.65(c)(1) and 40 CFR § 146.69(a)].
4. Failed to post a legible sign indicating the company name and Commission permit number on WDW034 and WDW299 [30 TEX. ADMIN. CODE § 331.66(b)(1)].
5. Failed to update the Facility Notice of Registration (“NOR”). Specifically, Waste Management Unit (“WMU”) Nos. 004 (WDW034), 005 (WDW113), and 045 (WDW299) were not associated with waste streams 00251131 and 00061131. In addition, WMU 045 was not listed as active and currently managing waste [30 TEX. ADMIN. CODE § 335.6(c)].
6. Failed to conduct adequate quarterly corrosion monitoring on well materials. Specifically, well material test coupons were not placed in a location that is subjected to wellhead operating pressures, temperatures and flow rates for WDW Nos. 034, 113, and 299 [30 TEX. ADMIN. CODE § 331.64(g) and UIC Permit Nos. WDW034 and WDW113, Provision VIII.H and UIC Permit No. WDW299, Provision IX.H].

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Docket No. 2014-0748-MLM-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. Implemented preventative maintenance on equipment needed to control injection flow and pressure on all WDWs on April 9, 2014;
- b. Implemented new protocols to ensure quarterly calibrations are conducted on all WDW gauges on April 9, 2014;
- c. Submitted Class I injection well quarterly reports for quarters 3 and 4 of the year 2011, quarters 2, 3, and 4 of the year 2012, and quarters 1, 2, 3 and 4 of the year 2013 on April 14, 2014, and established and implemented a process for preparing timely quarterly reports on May 18, 2014;
- d. Posted legible signs with company name and Commission permit number for WDW034 and WDW299 on March 7, 2014; and
- e. Updated the facility NOR with corrected waste streams associated with WMU Nos. 004, 005, and 045 on April 14, 2014.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 60 days, begin conducting quarterly corrosion monitoring on well materials in locations that simulate well conditions of wellhead temperature, injection pressure and flow rate for WDW Nos. 034, 113, and 299; and
- b. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 48740
ISP TECHNOLOGIES INC.
RN100825272
Docket No. 2014-0748-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Thomas Greimel, Enforcement Division,
Enforcement Team 7, MC 128, (512) 239-5690; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Steven E. Post, Vice President of Operations, ISP TECHNOLOGIES
INC., 4501 Attwater Avenue, Texas City, Texas 77590
David Pastalaniec, Safety & Environmental Manager, ISP TECHNOLOGIES INC., 4501
Attwater Avenue, Texas City, Texas 77590

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 19-May-2014 | Screening | 19-May-2014 | EPA Due | |
| | PCW | 6-Jun-2014 | | | | |

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

| | | | |
|----------------------------------------|--------------------------------|------------------------------|--------------------|
| CASE INFORMATION | | No. of Violations | 1 |
| Enf./Case ID No. | 48740 | Order Type | 1660 |
| Docket No. | 2014-0748-MLM-E | Government/Non-Profit | No |
| Media Program(s) | Underground Injection Control | Enf. Coordinator | Thomas Greimel |
| Multi-Media | Industrial and Hazardous Waste | EC's Team | Enforcement Team 7 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------|--------------------------------|--------------|
| Compliance History | 45.0% Enhancement | Subtotals 2, 3, & 7 | \$450 |
|---------------------------|-------------------|--------------------------------|--------------|

Notes: Enhancement for two orders with a denial of liability and three NOVs with dissimilar violations and reduction for one Notice of Intent.

| | | | | |
|--------------------|----|------------------|-------------------|------------|
| 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 | -\$250 |
|------------------------------------------------------|-------------------|---------------|

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

| | |
|------------------------------|---------|
| Total EB Amounts | \$156 |
| Estimated Cost of Compliance | \$1,000 |

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$1,200 |
|-----------------------------|-----------------------|----------------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$1,200

| | | |
|-----------------------------------|-------------------------------|----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$1,200 |
|-----------------------------------|-------------------------------|----------------|

| | | | |
|-----------------|-----------------|-------------------|---------------|
| DEFERRAL | 20.0% Reduction | Adjustment | -\$240 |
|-----------------|-----------------|-------------------|---------------|

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 | \$960 |
|------------------------|--------------|

Screening Date 19-May-2014

Docket No. 2014-0748-MLM-E

PCW

Respondent ISP TECHNOLOGIES INC.

Policy Revision 2 (September 2002)

Case ID No. 48740

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825272

Media [Statute] Underground Injection Control

Enf. Coordinator Thomas Greimel

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>) | 0 | 0% |
| | Other written NOVs | 3 | 6% |
| 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 judgments 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) 45%

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for two orders with a denial of liability and three NOVs with dissimilar violations and reduction for one Notice of Intent.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

Screening Date 19-May-2014

Docket No. 2014-0748-MLM-E

PCW

Respondent ISP TECHNOLOGIES INC.

Policy Revision 2 (September 2002)

Case ID No. 48740

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825272

Media [Statute] Underground Injection Control

Enf. Coordinator Thomas Greimel

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 331.63(c) and 40 Code of Federal Regulations § 146.67(a), and Underground Injection Control ("UIC") Permit WDW034, Provision VII.B

Violation Description Failed to maintain an operating wellhead injection pressure that does not exceed the permitted maximum. Specifically, the operating surface wellhead injection pressure reached 912 pounds per square inch gauge ("psig") in Waste Disposal Well 034 on February 23, 2011 which exceeded the 900 psig maximum.

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 1

1 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$250

Before NOV NOV to EDPRP/Settlement Offer

| | |
|---------------|---------------|
| Extraordinary | |
| Ordinary | x |
| N/A | (mark with x) |

Notes The Respondent came into compliance on April 9, 2014, prior to the Notice of Enforcement ("NOE") dated May 14, 2014.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$156

Violation Final Penalty Total \$1,200

This violation Final Assessed Penalty (adjusted for limits) \$1,200

Economic Benefit Worksheet

Respondent ISP TECHNOLOGIES INC.
Case ID No. 48740
Reg. Ent. Reference No. RN100825272
Media Underground Injection Control
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 | | | | 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) | \$1,000 | 23-Feb-2011 | 9-Apr-2014 | 3.13 | \$156 | n/a | \$156 |

Notes for DELAYED costs

Estimated cost to ensure timely calibration of injection flow meters and perform maintenance to control injection pressure. Date Required is the exceedance date and 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

\$1,000

TOTAL

\$156



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 19-May-2014 | Screening | 19-May-2014 | EPA Due | |
| | PCW | 3-Sep-2014 | | | | |

| | |
|----------------------------------------|-----------------------|
| 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. | 48740 | No. of Violations | 6 |
| Docket No. | 2014-0748-MLM-E | Order Type | 1660 |
| Media Program(s) | Underground Injection Control | Government/Non-Profit | No |
| Multi-Media | Industrial and Hazardous Waste | Enf. Coordinator | Thomas Greimel |
| | | EC's Team | Enforcement Team 7 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|-------------------------------------------------------------|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$24,250 |
|-------------------------------------------------------------|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------|--------------------------------|----------|
| Compliance History | 45.0% Enhancement | Subtotals 2, 3, & 7 | \$10,912 |
|---------------------------|-------------------|--------------------------------|----------|

Notes: Enhancement for two orders with a denial of liability and three NOVs with dissimilar violations and reduction for one Notice of Intent.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| 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 | -\$4,786 |
|------------------------------------------------------|-------------------|----------|

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

| | |
|------------------------------|----------|
| Total EB Amounts | \$3,615 |
| Estimated Cost of Compliance | \$17,200 |

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$30,376 |
|-----------------------------|-----------------------|----------|

| | | | |
|---------------------------------------------|------|-------------------|---------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 7.2% | Adjustment | \$2,192 |
|---------------------------------------------|------|-------------------|---------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with violation no. 2.

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$32,568 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$32,568 |
|-----------------------------------|-------------------------------|----------|

| | | | |
|-----------------|-----------------|-------------------|----------|
| DEFERRAL | 20.0% Reduction | Adjustment | -\$6,513 |
|-----------------|-----------------|-------------------|----------|

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 | \$26,055 |
|------------------------|----------|

Screening Date 19-May-2014

Docket No. 2014-0748-MLM-E

PCW

Respondent

ISP TECHNOLOGIES INC.

Policy Revision 4 (April 2014)

Case ID No. 48740

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100825272

Media [Statute] Underground Injection Control

Enf. Coordinator Thomas Greimel

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>) | 0 | 0% |
| | Other written NOVs | 3 | 6% |
| 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 judgments 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) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two orders with a denial of liability and three NOVs with dissimilar violations and reduction for one Notice of Intent.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 19-May-2014

Docket No. 2014-0748-MLM-E

PCW

Respondent ISP TECHNOLOGIES INC.

Policy Revision 4 (April 2014)

Case ID No. 48740

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100825272

Media [Statute] Underground Injection Control

Enf. Coordinator Thomas Greimel

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 331.63(c) and 40 Code of Federal Regulations ("CFR") § 146.67(a) and UIC Permit Nos. WDW034 and WDW299, Provisions VII.B and VIII.B

Violation Description Failed to maintain an operating wellhead injection pressure that does not exceed the permitted maximum. Specifically, the operating surface wellhead injection pressure in Waste Disposal Well ("WDW") 034 reached 914 pounds per square inch ("psig") on November 12, 2012, 907 psig on January 27, 2013, 928 psig on March 19, 2013, and 923 psig on July 1, 2013 which exceeded the 900 psig permitted maximum. In addition, the operating wellhead pressure in WDW299 reached 918 psig on May 4, 2013 which exceeded the 886 psig permitted maximum.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | x |

Percent 7.0%

>> Programmatic Matrix

| Falsification | Harm | | |
|---------------|-------|----------|-------|
| | Major | Moderate | Minor |
| | | | |

Percent 0.0%

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 \$23,250

\$1,750

Violation Events

Number of Violation Events 5

5 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$8,750

Five single events are recommended (one event for each exceedance).

Good Faith Efforts to Comply

25.0%

Reduction \$2,187

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

| | |
|---------------|---------------|
| Extraordinary | |
| Ordinary | x |
| N/A | (mark with x) |

Notes The Respondent came into compliance on April 9, 2014, prior to the Notice of Enforcement ("NOE") dated May 14, 2014.

Violation Subtotal \$6,563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$351

Violation Final Penalty Total \$11,258

This violation Final Assessed Penalty (adjusted for limits) \$11,258

Economic Benefit Worksheet

Respondent ISP TECHNOLOGIES INC.
Case ID No. 48740
Reg. Ent. Reference No. RN100825272
Media Underground Injection Control
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 | | | | 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) | \$5,000 | 12-Nov-2012 | 9-Apr-2014 | 1.41 | \$351 | n/a | \$351 |

Notes for DELAYED costs

Estimated cost to ensure timely calibration of injection flow meters to control injection pressure and perform preventative maintenance on a control valve. Date Required is the first exceedance date and 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

\$5,000

TOTAL

\$351

Screening Date 19-May-2014

Docket No. 2014-0748-MLM-E

PCW

Respondent ISP TECHNOLOGIES INC.

Policy Revision 4 (April 2014)

Case ID No. 48740

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100825272

Media [Statute] Underground Injection Control

Enf. Coordinator Thomas Greimel

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 331.63(g)

Violation Description Failed to conduct quarterly testing and calibrations on all injection and wellhead flow gauges. Specifically, gauge calibrations were not conducted on WDW034 for quarters 3 and 4 of 2013 and on WDW113 for quarters 1, 2, and 3 for 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | x |

Percent 7.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

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 \$23,250

\$1,750

Violation Events

Number of Violation Events 5

365 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$8,750

Five single events are recommended (one for each quarter in which gauge calibrations were not conducted).

Good Faith Efforts to Comply

25.0%

Reduction \$2,187

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

Notes

The Respondent came into compliance on April 9, 2014, prior to the NOE dated May 14, 2014.

Violation Subtotal \$6,563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,192

Violation Final Penalty Total \$11,258

This violation Final Assessed Penalty (adjusted for limits) \$11,258

Economic Benefit Worksheet

Respondent ISP TECHNOLOGIES INC.
Case ID No. 48740
Reg. Ent. Reference No. RN100825272
Media Underground Injection Control
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) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

This economic benefit included in violation no. 1.

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) | \$2,000 | 1-Jan-2013 | 31-Dec-2013 | 1.92 | \$192 | \$2,000 | \$2,192 |

Notes for AVOIDED costs

Estimated cost to test and calibrate flow gauges for each quarter of noncompliance during the year 2013. Date Required is the beginning date for quarter 1 and Final Date is the end date for quarter 4.

Approx. Cost of Compliance

\$2,000

TOTAL

\$2,192

Screening Date 19-May-2014
Respondent ISP TECHNOLOGIES INC.
Case ID No. 48740
Reg. Ent. Reference No. RN100825272
Media [Statute] Underground Injection Control
Enf. Coordinator Thomas Greimel

Docket No. 2014-0748-MLM-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 331.65(c)(1) and 40 CFR § 146.69(a)

Violation Description

Failed to timely submit Class I well injection operation quarterly reports to the Commission within 20 days of the end of each quarter. Specifically, quarterly reports were not timely submitted for quarters 3 and 4 of the year 2011, quarters 2, 3 and 4 of the year 2012 and for all 4 quarters of the year 2013 for WDW034, WDW113, WDW114 and WDW299. Specifically, the reports were submitted on April 14, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | x | 1.0% |

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 9 941 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$2,250

Nine single events are recommended for each quarter in which injection operation reports were not timely submitted.

Good Faith Efforts to Comply

10.0%

Reduction \$225

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

Notes

The Respondent came into compliance on May 18, 2014, after the NOE dated May 14, 2014.

Violation Subtotal \$2,025

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$881

Violation Final Penalty Total \$3,257

This violation Final Assessed Penalty (adjusted for limits) \$3,257

Economic Benefit Worksheet

Respondent ISP TECHNOLOGIES INC.
Case ID No. 48740
Reg. Ent. Reference No. RN100825272
Media Underground Injection Control
Violation No. 3

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

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

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment | | | | 0.00 | \$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 | \$2,500 | 20-Oct-2011 | 18-May-2014 | 2.58 | \$322 | n/a | \$322 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$4,500 | 20-Oct-2011 | 14-Apr-2014 | 2.48 | \$559 | n/a | \$559 |

Notes for DELAYED costs

Estimated cost to establish and implement a process for preparing timely quarterly WDW injection operation reports, and cost to prepare and submit nine quarterly reports. Dates Required are the date the quarter 3 report for the year 2011 was due. Final Dates are the date the process was implemented, and the date the quarterly reports were submitted.

Avoided Costs

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Disposal | | | | 0.00 | \$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

\$7,000

TOTAL

\$881

Screening Date 19-May-2014
Respondent ISP TECHNOLOGIES INC.
Case ID No. 48740
Reg. Ent. Reference No. RN100825272
Media [Statute] Underground Injection Control
Enf. Coordinator Thomas Greimel

Docket No. 2014-0748-MLM-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

Violation Description Failed to post a legible sign indicating the company name and Commission permit number on WDW034 and WDW299.

Base Penalty

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|----------------------|----------------------|----------------------|-----------------------------------|
| | | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="0.0%"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|--------------|----------------------|----------------------|----------------------|--------------------------------|-----------------------------------|
| | | Major | Moderate | Minor | |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="X"/> | <input type="text" value="1.0%"/> |

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | | |
|-------------------------|--------------------------------|----------------------|
| mark only one with an x | daily | <input type="text"/> |
| | weekly | <input type="text"/> |
| | monthly | <input type="text"/> |
| | quarterly | <input type="text"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| single event | <input type="text" value="X"/> | |

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ISP TECHNOLOGIES INC.
Case ID No. 48740
Reg. Ent. Reference No. RN100825272
Media Underground Injection Control
Violation No. 4

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

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

No commas or \$

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Equipment | | | | 0.00 | \$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) | \$100 | 4-Mar-2014 | 7-Mar-2014 | 0.01 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to post legible signs indicating the company name and Commission permit number. Date Required is the investigation date. Final Date is the date of compliance.

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

\$100

TOTAL

\$0

Screening Date 19-May-2014

Docket No. 2014-0748-MLM-E

PCW

Respondent ISP TECHNOLOGIES INC.

Policy Revision 4 (April 2014)

Case ID No. 48740

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100825272

Media [Statute] Underground Injection Control

Enf. Coordinator Thomas Greimel

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to update the facility Notice of Registration ("NOR"). Specifically, Waste Management Unit ("WMU") Nos. 004 (WDW034), 005 (WDW113), and 045 (WDW299) were not associated with waste streams 00251131 and 00061131. In addition, WMU 045 was not listed as active and currently managing waste.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | X |

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

41 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | X |

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

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

Notes

The Respondent came into compliance on April 14, 2014, prior to the NOE dated May 14, 2014.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$322

This violation Final Assessed Penalty (adjusted for limits) \$322

Economic Benefit Worksheet

Respondent ISP TECHNOLOGIES INC.
Case ID No. 48740
Reg. Ent. Reference No. RN100825272
Media Violation No. 5
Media Underground Injection Control

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

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

No commas or \$

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment | | | | 0.00 | \$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) | \$100 | 4-Mar-2014 | 14-Apr-2014 | 0.11 | \$1 | n/a | \$1 |

Notes for DELAYED costs

Estimated cost to update the facility NOR. Date Required is the investigation date. Final Date is the date of compliance.

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

\$100

TOTAL

\$1

Screening Date 19-May-2014

Docket No. 2014-0748-MLM-E

PCW

Respondent ISP TECHNOLOGIES INC.

Policy Revision 4 (April 2014)

Case ID No. 48740

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100825272

Media [Statute] Underground Injection Control

Enf. Coordinator Thomas Greimel

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 331.64(g) and UIC Permit Nos. WDW034 and WDW113, Provision VIII.H and UIC Permit No. WDW299, Provision IX.H

Violation Description

Failed to conduct adequate quarterly corrosion monitoring on well materials. Specifically, well material test coupons were not placed in a location that is subjected to wellhead operating pressures, temperatures and flow rates for WDW Nos. 034, 113, and 299.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 15.0% |
| Potential | | x | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 75

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended from the March 5, 2014 investigation date to the May 19, 2014 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$190

Violation Final Penalty Total \$5,830

This violation Final Assessed Penalty (adjusted for limits) \$5,830

Economic Benefit Worksheet

Respondent ISP TECHNOLOGIES INC.
Case ID No. 48740
Reg. Ent. Reference No. RN100825272
Media Underground Injection Control
Violation No. 6

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

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

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | \$3,000 | 5-Mar-2014 | 30-Jan-2015 | 0.91 | \$9 | \$181 | \$190 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to place corrosion test specimens in wellhead locations that are subject to wellhead operating temperatures, pressures, and flow conditions. Date Required is the investigation date. Final Date is the anticipated date of compliance.

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

\$3,000

TOTAL

\$190

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600505580, RN100825272, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600505580, ISP TECHNOLOGIES, INC. **Classification:** SATISFACTORY **Rating:** 3.47

Regulated Entity: RN100825272, ISP Technologies Texas City Plant **Classification:** SATISFACTORY **Rating:** 3.47

Complexity Points: 27 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

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

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER GB0028U
WASTEWATER PERMIT WQ0001263000
UNDERGROUND INJECTION CONTROL PERMIT WDW034
UNDERGROUND INJECTION CONTROL PERMIT WDW113
UNDERGROUND INJECTION CONTROL PERMIT WDW430
UNDERGROUND INJECTION CONTROL PERMIT PIU30037
AIR NEW SOURCE PERMITS REGISTRATION 50129
AIR NEW SOURCE PERMITS PERMIT 1795
AIR NEW SOURCE PERMITS REGISTRATION 12813
AIR NEW SOURCE PERMITS PERMIT 7121A
AIR NEW SOURCE PERMITS PERMIT 22079
AIR NEW SOURCE PERMITS REGISTRATION 35466
AIR NEW SOURCE PERMITS REGISTRATION 42271
AIR NEW SOURCE PERMITS REGISTRATION 44593
AIR NEW SOURCE PERMITS REGISTRATION 44893
AIR NEW SOURCE PERMITS REGISTRATION 47430
AIR NEW SOURCE PERMITS REGISTRATION 48145
AIR NEW SOURCE PERMITS REGISTRATION 48631
AIR NEW SOURCE PERMITS REGISTRATION 49865
AIR NEW SOURCE PERMITS REGISTRATION 75510
AIR NEW SOURCE PERMITS AFS NUM 4816700003
AIR NEW SOURCE PERMITS REGISTRATION 56618
AIR NEW SOURCE PERMITS REGISTRATION 54635
AIR NEW SOURCE PERMITS REGISTRATION 74486
AIR NEW SOURCE PERMITS REGISTRATION 78465
AIR NEW SOURCE PERMITS REGISTRATION 81119
AIR NEW SOURCE PERMITS REGISTRATION 81983
AIR NEW SOURCE PERMITS PERMIT 83790
AIR NEW SOURCE PERMITS REGISTRATION 90432
AIR NEW SOURCE PERMITS REGISTRATION 92247
AIR NEW SOURCE PERMITS REGISTRATION 101858
AIR NEW SOURCE PERMITS REGISTRATION 102472
AIR NEW SOURCE PERMITS REGISTRATION 112510
AIR NEW SOURCE PERMITS REGISTRATION 112512

AIR OPERATING PERMITS PERMIT 1592
WASTEWATER EPA ID TX0007323
UNDERGROUND INJECTION CONTROL PERMIT WDW114
UNDERGROUND INJECTION CONTROL PERMIT WDW299
UNDERGROUND INJECTION CONTROL PERMIT WDW431
AIR NEW SOURCE PERMITS PERMIT 81157
AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0028U
AIR NEW SOURCE PERMITS REGISTRATION 10583
AIR NEW SOURCE PERMITS PERMIT 6918A
AIR NEW SOURCE PERMITS PERMIT 20088
AIR NEW SOURCE PERMITS REGISTRATION 30744
AIR NEW SOURCE PERMITS REGISTRATION 39163
AIR NEW SOURCE PERMITS REGISTRATION 44467
AIR NEW SOURCE PERMITS REGISTRATION 44609
AIR NEW SOURCE PERMITS REGISTRATION 46699
AIR NEW SOURCE PERMITS REGISTRATION 47811
AIR NEW SOURCE PERMITS REGISTRATION 48248
AIR NEW SOURCE PERMITS REGISTRATION 48660
AIR NEW SOURCE PERMITS REGISTRATION 75593
AIR NEW SOURCE PERMITS PERMIT 55847
AIR NEW SOURCE PERMITS REGISTRATION 56841
AIR NEW SOURCE PERMITS PERMIT 56632
AIR NEW SOURCE PERMITS REGISTRATION 71769
AIR NEW SOURCE PERMITS REGISTRATION 77635
AIR NEW SOURCE PERMITS REGISTRATION 78477
AIR NEW SOURCE PERMITS REGISTRATION 81295
AIR NEW SOURCE PERMITS REGISTRATION 86670
AIR NEW SOURCE PERMITS REGISTRATION 88452
AIR NEW SOURCE PERMITS REGISTRATION 87816
AIR NEW SOURCE PERMITS REGISTRATION 95566
AIR NEW SOURCE PERMITS REGISTRATION 103046
AIR NEW SOURCE PERMITS REGISTRATION 107633
AIR NEW SOURCE PERMITS REGISTRATION 109235
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30037
AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0028U
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD044452324
POLLUTION PREVENTION PLANNING ID NUMBER

STORMWATER PERMIT TXR05AI83

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50389

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 30037

P00350

Compliance History Period: September 01, 2008 to August 31, 2013
09/01/2013

Rating Year: 2013

Rating Date:

Date Compliance History Report Prepared: May 20, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2009 to May 20, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Thomas Greimel

Phone: (512) 239-5690

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 05/08/2011 ADMINORDER 2010-1430-AIR-E (1660 Order-Agreed Order With Denial)
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.
- 2 Effective Date: 02/18/2012 ADMINORDER 2011-0841-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)
30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-1592, Special Condition 18(A)(i)(2) PERMIT
Description: Failed to conduct a stack test and submit the test report prior to the March 31, 2007 deadline for the PVP 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.
Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR 22079 SC 1 PERMIT
O-1592, SC 1(A) and 14 OP
O-1592, Special Condition 1(A) PERMIT
Description: Failed to comply with concentration limits for carbon monoxide ("CO"). Specifically, during stack testing conducted on August 6, 2010 at the PVP Spray Dryer 2 (EPN 162/4209SC), the emissions rate was 518.23 parts per million by volume ("ppmv"). The state allowable concentration limit for CO in the Galveston Nonattainment Area is 400 ppmv.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

| | | |
|---------|--------------------|-----------|
| Item 1 | June 09, 2009 | (768460) |
| Item 2 | June 30, 2009 | (747791) |
| Item 3 | July 20, 2009 | (805009) |
| Item 4 | August 14, 2009 | (764775) |
| Item 5 | August 18, 2009 | (805010) |
| Item 6 | September 10, 2009 | (805011) |
| Item 7 | September 30, 2009 | (805012) |
| Item 8 | November 17, 2009 | (805013) |
| Item 9 | December 11, 2009 | (805014) |
| Item 10 | January 14, 2010 | (805015) |
| Item 11 | February 12, 2010 | (805008) |
| Item 12 | March 16, 2010 | (831005) |
| Item 13 | April 20, 2010 | (831006) |
| Item 14 | April 22, 2010 | (796440) |
| Item 15 | April 29, 2010 | (799692) |
| Item 16 | May 17, 2010 | (831007) |
| Item 17 | June 15, 2010 | (825726) |
| Item 18 | June 16, 2010 | (846309) |
| Item 19 | July 15, 2010 | (860899) |
| Item 20 | July 30, 2010 | (828760) |
| Item 21 | August 18, 2010 | (866874) |
| Item 22 | August 30, 2010 | (844431) |
| Item 23 | September 10, 2010 | (873945) |
| Item 24 | October 11, 2010 | (881542) |
| Item 25 | November 16, 2010 | (888065) |
| Item 26 | December 13, 2010 | (896288) |
| Item 27 | February 15, 2011 | (894400) |
| Item 28 | March 17, 2011 | (844440) |
| Item 29 | March 18, 2011 | (916381) |
| Item 30 | April 19, 2011 | (952664) |
| Item 31 | May 19, 2011 | (938067) |
| Item 32 | June 16, 2011 | (945439) |
| Item 33 | June 30, 2011 | (933083) |
| Item 34 | July 01, 2011 | (936393) |
| Item 35 | August 15, 2011 | (959350) |
| Item 36 | September 19, 2011 | (965382) |
| Item 37 | October 04, 2011 | (949221) |
| Item 38 | November 21, 2011 | (977578) |
| Item 39 | December 20, 2011 | (984348) |
| Item 40 | February 08, 2012 | (982963) |
| Item 41 | February 17, 2012 | (998008) |
| Item 42 | March 20, 2012 | (1003534) |
| Item 43 | April 20, 2012 | (1016490) |
| Item 44 | June 13, 2012 | (1013002) |
| Item 45 | June 20, 2012 | (1024213) |
| Item 46 | June 29, 2012 | (1031605) |
| Item 47 | July 05, 2012 | (1015383) |
| Item 48 | August 17, 2012 | (976111) |
| Item 49 | August 21, 2012 | (1037982) |
| Item 50 | September 20, 2012 | (1046718) |
| Item 51 | October 20, 2012 | (1061014) |
| Item 52 | November 08, 2012 | (1046717) |
| Item 53 | November 20, 2012 | (1061015) |
| Item 54 | December 19, 2012 | (1061016) |
| Item 55 | January 18, 2013 | (1079050) |
| Item 56 | February 07, 2013 | (1057128) |
| Item 57 | February 12, 2013 | (1057140) |
| Item 58 | February 20, 2013 | (1079049) |
| Item 59 | March 12, 2013 | (1073597) |
| Item 60 | March 20, 2013 | (1089349) |

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. 2014-0748-MLM-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ISP TECHNOLOGIES INC. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 27. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a basic organic chemicals manufacturing plant at 4501 Attwater Avenue in Texas City, Galveston County, Texas (the "Facility").
2. The Respondent is utilizing, has begun drilling, or is converting injection wells as that term is defined in TEX. WATER CODE § 27.002(11) and the Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director 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 19, 2014.
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 Thirty-Three Thousand Seven Hundred Sixty-Eight Dollars (\$33,768) is assessed by the Commission in settlement of the

violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Seven Thousand Fifteen Dollars (\$27,015) of the administrative penalty and Six Thousand Seven Hundred Fifty-Three Dollars (\$6,753) 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Implemented preventative maintenance on equipment needed to control injection flow and pressure on all Waste Disposal Wells ("WDW") on April 9, 2014;
 - b. Implemented new protocols to ensure quarterly calibrations are conducted on all WDW gauges on April 9, 2014;
 - c. Submitted Class I injection well quarterly reports for quarters 3 and 4 of the year 2011, quarters 2, 3, and 4 of the year 2012, and quarters 1, 2, 3 and 4 of the year 2013 on April 14, 2014, and established and implemented a process for preparing timely quarterly reports on May 18, 2014;
 - d. Posted legible signs with company name and Commission permit number for WDW034 and WDW299 on March 7, 2014; and
 - e. Updated the facility Notice of Registration ("NOR") with corrected waste streams associated with Waste Management Unit ("WMU") Nos. 004, 005, and 045 on April 14, 2014.
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 Facility, the Respondent is alleged to have:

1. Failed to maintain an operating wellhead injection pressure that does not exceed the permitted maximum, in violation of 30 TEX. ADMIN. CODE § 331.63(c), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 146.67(a) and Underground Injection Control ("UIC") Permit Nos. WDW034 and WDW299, Provision VII.B and VIII.B, as documented during an investigation conducted on March 5, 2014. Specifically, the operating surface wellhead injection pressure in WDW034 reached 912 pounds per square inch gauge ("psig") on February 23, 2011, 914 psig on November 12, 2012, 907 psig on January 27, 2013, 928 psig on March 19, 2013, and 923 psig on July 1, 2013 which exceeded the 900 psig permitted maximum. In addition, the operating surface wellhead injection pressure in WDW299 reached 918 psig on May 4, 2013 which exceeded the 886 psig permitted maximum.
2. Failed to conduct quarterly testing and calibrations on all injection and wellhead flow gauges, in violation of 30 TEX. ADMIN. CODE § 331.63(g), as documented during an investigation conducted on March 5, 2014. Specifically, gauge calibrations were not conducted on WDW034 in quarter 3 and quarter 4 of the year 2013 and on WDW113 in quarter 1, quarter 2, and quarter 3 of the year 2013.
3. Failed to timely submit Class I well injection operation quarterly reports to the Commission within 20 days of the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 331.65(c)(1) and 40 CFR § 146.69(a), as documented during an investigation conducted on March 5, 2014. Specifically, quarterly reports were not timely submitted for quarters 3 and 4 of the year 2011, quarters 2, 3 and 4 of the year 2012 and for all 4 quarters of the year 2013 for WDW034, WDW113, WDW114 and WDW299. Specifically, the reports were submitted on April 14, 2014.
4. Failed to post a legible sign indicating the company name and Commission permit number on WDW034 and WDW299, in violation of 30 TEX. ADMIN. CODE § 331.66(b)(1), as documented during an investigation conducted on March 5, 2014.
5. Failed to update the Facility NOR, in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on March 5, 2014. Specifically, WMU Nos. 004 (WDW034), 005 (WDW113), and 045 (WDW299) were not associated with waste streams 00251131 and 00061131. In addition, WMU 045 was not listed as active and currently managing waste.
6. Failed to conduct adequate quarterly corrosion monitoring on well materials, in violation of 30 TEX. ADMIN. CODE § 331.64(g) and UIC Permit Nos. WDW034 and WDW113, Provision VIII.H and UIC Permit No. WDW299, Provision IX.H, as documented during an investigation conducted on March 5, 2014. Specifically, well material test coupons were not placed in a location that is subjected to wellhead operating pressures, temperatures and flow rates for WDW Nos. 034, 113, and 299.

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. 2014-0748-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, begin conducting quarterly corrosion monitoring on well materials in locations that simulate well conditions of wellhead temperature, injection pressure and flow rate for WDW Nos. 034, 113, and 299, in accordance with 30 TEX. ADMIN. CODE § 331.64 and UIC Permit Nos. WDW034 and WDW113, Provision VIII.H and UIC Permit No. WDW299, Provision IX.H; and
 - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

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 Facility 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramona Davie
For the Executive Director

12/17/14
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.

Steven E. Post KMW
Signature

9/15/14
Date

STEVEN E. POST
Name (Printed or typed)
Authorized Representative of
ISP TECHNOLOGIES INC.

VICE PRESIDENT - OPERATIONS
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.