

Executive Summary – Enforcement Matter – Case No. 49267
UNION CARBIDE CORPORATION
RN102181526
Docket No. 2014-1359-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – IHW and Used Oil

Small Business:

No

Location(s) Where Violation(s) Occurred:

UCC Seadrift Operations, 7501 State Highway 185 North near Seadrift, Calhoun County

Type of Operation:

Synthetic organic chemical manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 27, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$119,634

Amount Deferred for Expedited Settlement: \$23,926

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$47,854

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$47,854

Name of SEP: Texas Association of Resource Conservation and Development
Areas, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 23, 2014

Date(s) of NOE(s): August 22, 2014

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Violation Information

1. Failed to update the Facility's Notice of Registration ("NOR"). Specifically, Industrial Hazardous Waste ("IHW") Permit No. 50190 indicates solid waste management unit ("SWMU") NOR 110 as part of Permit Unit No. 15, however, unit 110 does not exist in the Facility's NOR. Additionally, SWMU NOR 021, formerly Permit Unit No. 002, blending container storage area, was listed as inactive and closed; however, it was noted that treatment of hazardous and nonhazardous waste was being conducted in the formerly permitted unit. In the land disposal restriction ("LDR") documentation, some waste streams listed in the NOR did not include all hazardous waste codes as required. Texas Waste Code ("TWC") 186939H was missing Environmental Protection Agency ("EPA") code D021; TWC 1012206H was missing EPA codes D039 and D040; TWC 1869393H was missing EPA codes D007 and D021; and TWC 1500212H was missing EPA code D001 [30 TEX. ADMIN. CODE § 335.6(c)].
2. Failed to maintain waste classification documentation on each waste stream immediately upon waste generation. Specifically, the documentation lacked a description of the waste, the date of the initial generation of the waste, description of the process that generated the waste, and analytical or process knowledge used [30 TEX. ADMIN. CODE § 335.513].
3. Failed to maintain the cover on the North Landfill, West Landfill, and In-Plant Lagoon Waste Management Area ("IPLWMA") (TCEQ Permit Unit Nos. 4, 3 and 15). Specifically, there were ruts caused by maintenance vehicles, the beginning of erosion along some areas lacking vegetation, and ponding and standing water on top of the closed landfill cap [30 TEX. ADMIN. CODE § 305.125(1) and IHW Permit No. 50190, Provisions II.A.2. and VII.F.2.].
4. Failed to maintain the required documentation for all monitoring information, copies of all reports, records and certification. Specifically, the Respondent failed to maintain records verifying treated wastes that contained free liquids passed EPA Method 9095 (Paint Filter Test) and records verifying treated wastes using a treatment technology that is based solely on a pozzolomic reaction between waste and a stabilizing agent [30 TEX. ADMIN. CODE § 305.125(1), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 264.13, and IHW Permit No. 50190, Provisions II.A.2., II.B.C. and IV.A.].
5. Failed to maintain a self-sustaining vegetative cover on the capped areas by periodic seeding, fertilizing, irrigation and mowing. Specifically, the West Landfill (Permit Unit No. 3) and IPLWMA (Permit Unit No. 15, NORs 22 through 28 and 110) lacked a self-sustaining vegetative cover [30 TEX. ADMIN. CODE § 305.125(1) and IHW Permit No. 50190, Provisions II.A.2. and VII.F.3.].

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6. Failed to follow the inspection schedule contained in the IHW Permit. Specifically, the permit inspections were not being performed; information was missing from the logs, such as the inspector's name, dates and times of inspection; and the date and actions taken for any remedial actions and repairs. Also, non-permit required inspections were not being conducted [30 TEX. ADMIN. CODE § 335.152(a)(1), 40 CFR § 264.15(b)(1) and IHW Permit No. 50190, Provisions II.A.2. and Table III.D].

7. Failed to maintain on-site a five-year source reduction and waste minimization plan and make it available to commission personnel for inspection. Specifically, the Respondent did not provide the plan when it was requested by the investigator [30 TEX. ADMIN. CODE §§ 335.474 and 335.479 and IHW Permit No. 50190, Provisions II.A.2. and II.B.8].

8. Failed to accurately and correctly prepare all manifests for hazardous and Class I waste. Specifically, two manifests dated December 26, 2013, indicated EPA hazard code D003 for TWC 1491212H; however, the LDR form indicates an additional EPA hazard code of D001, High Total Organic Content ("HTOC") category [30 TEX. ADMIN. CODE § 335.10(c) and 40 CFR § 262.20(a)].

9. Caused, suffered, allowed, or permitted the storage, processing, or disposal of hazardous waste without a permit. Specifically, the Respondent treated hazardous waste in a unit in the blending area on December 28, 2012, December 6, 2013 and June 4, 2014. The unit is not authorized by the Facility's operating permit [30 TEX. ADMIN. CODE § 335.43 and 40 CFR § 270.1].

10. Failed to include all EPA hazardous waste codes with the LDR notification to the treatment, storage and disposal facility receiving the waste. Specifically, a shipment of hazardous waste had an accompanying LDR form which lacked all EPA hazardous codes on the manifest (Manifest No. 006564173FLE, dated October 21, 2013) [30 TEX. ADMIN. CODE § 335.431(c) and 40 CFR § 266.7(a)].

11. Failed to label or clearly mark used oil storage containers with the words "Used Oil." Specifically, one drum containing used oil was not labeled [30 TEX. ADMIN. CODE § 324.1 and 40 CFR § 279.22(c)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. Labeled the drum containing used oil with the words "Used Oil" on June 24, 2014;
- b. Began maintaining records for all monitoring information including test results

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on October 24, 2014;

c. Began following the inspection schedule on October 24, 2014; and

d. Developed procedures to properly complete manifests on October 24, 2014.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Immediately, cease treating hazardous waste in the SWMU located at the blending area of the Facility unless proper authorization is obtained.

b. Within 30 days after the effective date of this Agreed Order, either submit an administratively complete permit application in order to authorize treatment of hazardous waste in the SWMU blending area at the Facility or submit a closure plan to permanently close the SWMU blending area.

c. Within 30 days:

i. Update the Facility's NOR including, but not limited to, current operational status of the SWMUs and waste streams and a TWC and an EPA waste code for each hazardous waste;

ii. Begin maintaining waste classification documentation on each waste stream;

iii. Submit a five-year source reduction and waste minimization plan; and

iv. Develop and implement procedures to include all EPA hazardous waste codes with LDR notifications.

d. Within 45 days, submit written certification to demonstrate compliance with a. through c.

e. Within 180 days, improve drainage over the landfill cap to prevent water from ponding, correct effects of erosion, and begin maintaining a self-sustaining vegetative growth.

f. Within 195 days, submit written certification to demonstrate compliance with e.

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g. Submit written certification within 30 days after authorization for the SWMU blending area at the Facility has been obtained or the specifications of an approved closure plan for the SWMU blending area have been met.

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division, Enforcement Team 6, MC 169, (512) 239-2576; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Bart Dolezal, Responsible Care Leader, UNION CARBIDE CORPORATION, 2020 Dow Center, Midland, Michigan 48674
James A. Varilek, President, UNION CARBIDE CORPORATION, 2020 Dow Center, Midland, Michigan 48674
Respondent's Attorney: N/A

Attachment A

Docket Number: 2014-1359-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	UNION CARBIDE CORPORATION
Penalty Amount:	Ninety-Five Thousand Seven Hundred Eight Dollars (\$95,708)
SEP Offset Amount:	Forty-Seven Thousand Eight Hundred Fifty-Four Dollars (\$47,854)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Household Hazardous Waste Collection</i>
Location of SEP:	Calhoun County: Lavaca-Guadalupe Coastal Basin, Gulf Coast Aquifer

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Household Hazardous Waste ("HHW") Collection* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities (collectively known as "Partner Entities") to conduct events for residents to bring in HHW such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (the "Project"). Where possible, the Project may also offer electronics collection, disposal, and recycling. The Third-Party Administrator shall work with Partner Entities to determine exactly which materials will be accepted and how they will be disposed of or recycled.

The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event. Third-Party Administrator shall use only licensed haulers and authorized disposal sites.

UNION CARBIDE CORPORATION
Agreed Order - Attachment A

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being made solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW, and will provide for proper and protective disposal or recycling of collected materials.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ.** Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	25-Aug-2014	Screening	3-Sep-2014	EPA Due	
	PCW	2-Sep-2014				

RESPONDENT/FACILITY INFORMATION			
Respondent	UNION CARBIDE CORPORATION		
Reg. Ent. Ref. No.	RN102181526		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	49267	No. of Violations	9
Docket No.	2014-1359-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Used Oil	Enf. Coordinator	Abigail Lindsey
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$107,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7** **\$11,825**

11.0% Enhancement

Notes

Enhancement for three NOVs with dissimilar violations, one order containing a denial of liability, and one federal consent decree with denial. Reduction for 27 Notices of Intent to conduct an audit and nine disclosures of violations.

Culpability **Subtotal 4** **\$0**

No 0.0% Enhancement

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$600**

Economic Benefit **Subtotal 6** **\$0**

0.0% Enhancement*

Total EB Amounts	\$1,970
Estimated Cost of Compliance	\$34,350

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$118,725**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** **\$694**

0.6%

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement to capture the avoided costs of compliance for violation nos. 5, 7 and 9.

Final Penalty Amount **\$119,419**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$119,419**

DEFERRAL **Adjustment** **-\$23,883**

20.0%

Reduction

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 **\$95,536**

Screening Date 3-Sep-2014

Docket No. 2014-1359-MLM-E

PCW

Respondent UNION CARBIDE CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49267

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181526

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Abigail Lindsey

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>)	1	20%
	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>)	1	30%
	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>)	27	-27%
	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>)	9	-18%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 11%

>> **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 three NOVs with dissimilar violations, one order containing a denial of liability, and one federal consent decree with denial. Reduction for 27 Notices of Intent to conduct an audit and nine disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 11%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 11%

Screening Date 3-Sep-2014

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PCW

Respondent UNION CARBIDE CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49267

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181526

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Abigail Lindsey

Violation Number 1

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

Violation Description Failed to update the Facility's Notice of Registration ("NOR"). Specifically, Industrial Hazardous Waste ("IHW") Permit No. 50190 indicates solid waste management unit ("SWMU") NOR 110 as part of Permit Unit No. 15, however, unit 110 does not exist in the Facility's NOR. Additionally, SWMU NOR 021, formerly Permit Unit No. 002, blending container storage area was listed as inactive and closed; however, it was noted that treatment of hazardous and nonhazardous waste was being conducted in the formerly permitted unit. In the land disposal restriction ("LDR") documentation, some waste streams listed in the NOR did not include all hazardous waste codes as required. Texas Waste Code ("TWC") 186939H was missing Environmental Protection Agency ("EPA") code D021; TWC 1012206H was missing EPA codes D039 and D040; TWC 1869393H was missing EPA codes D007 and D021; and TWC 1500212H was missing EPA code D001.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (15.0%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 72

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event. Single event is marked with an 'x'.

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A. N/A is marked with an '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 \$39 Violation Final Penalty Total \$4,187

This violation Final Assessed Penalty (adjusted for limits) \$4,187

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media Industrial and Hazardous Waste
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	\$1,000	23-Jun-2014	1-Apr-2015	0.77	\$39	n/a	\$39
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 update the Facility's NOR to include the current operational status of the SWMUs and waste streams, and to include a TWC and EPA code for each hazardous waste. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$39

Screening Date 3-Sep-2014

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PCW

Respondent UNION CARBIDE CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49267

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181526

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Abigail Lindsey

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.513

Violation Description

Failed to maintain waste classification documentation on each waste stream immediately upon waste generation. Specifically, the documentation lacked a description of the waste, the date of the initial generation of the waste, description of the process that generated the waste, and analytical or process knowledge used.

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 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

72 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

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 \$39

Violation Final Penalty Total \$4,187

This violation Final Assessed Penalty (adjusted for limits) \$4,187

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION

Case ID No. 49267

Reg. Ent. Reference No. RN102181526

Media Industrial and Hazardous Waste

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	\$1,000	23-Jun-2014	1-Apr-2015	0.77	\$39	n/a	\$39
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 maintain waste classification documentation on each waste stream. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$39

Screening Date 3-Sep-2014

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PCW

Respondent UNION CARBIDE CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49267

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181526

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Abigail Lindsey

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and IHW Permit No. 50190, Provisions II.A.2., VII.F.2. and VII.F.3.

Violation Description

Failed to maintain the cover on the North Landfill, West Landfill, and In-Plant Lagoon Waste Management Area ("IPLWMA") (TCEQ Permit Unit Nos. 4, 3 and 15). Specifically, there were ruts caused by maintenance vehicles, the beginning of erosion along some areas lacking vegetation, and ponding and standing water on top of the closed landfill cap. Also failed to maintain a self-sustaining vegetative cover on the capped areas by periodic seeding, fertilizing, irrigation and mowing. Specifically, the West Landfill (Permit Unit No. 3) and IPLWMA (Permit Unit No. 15, NORs 22 through 28 and 110) lacked a self-sustaining vegetative cover.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

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 3 Number of violation days 72

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

Violation Base Penalty \$11,250

Three quarterly events (one event for each permit unit) are recommended based on documentation of the violation during the June 23, 2014 investigation to the September 3, 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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$193

Violation Final Penalty Total \$12,560

This violation Final Assessed Penalty (adjusted for limits) \$12,560

Economic Benefit Worksheet

Respondent: UNION CARBIDE CORPORATION
Case ID No.: 49267
Reg. Ent. Reference No.: RN102181526
Media: Industrial and Hazardous Waste
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

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	\$5,000	23-Jun-2014	1-Apr-2015	0.77	\$193	n/a	\$193
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 improve drainage and remove all ponded water over the Landfill cap, correct effects of erosion, and begin maintaining a self-sustaining vegetative growth. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$193
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Screening Date 3-Sep-2014
Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Abigail Lindsey

Docket No. 2014-1359-MLM-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), 40 Code of Federal Regulations ("CFR") § 264.13, and IHW Permit No. 50190, Provisions II.A.2., II.B.C. and IV.A.

Violation Description

Failed to maintain the required documentation for all monitoring information, copies of all reports, records and certification. Specifically, the Respondent failed to maintain records verifying treated wastes that contained free liquids passed EPA Method 9095 (Paint Filter Test) and records verifying treated wastes using a treatment technology that is based solely on a pozzolomic reaction between waste and a stabilizing agent.

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 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 72

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction

\$375

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

Notes

The Respondent came into compliance on October 24, 2014, after the Notice of Enforcement ("NOE") date of August 22, 2014.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$3,810

This violation Final Assessed Penalty (adjusted for limits) \$3,810

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media Industrial and Hazardous Waste
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
<small>No commas or \$</small>							

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	\$1,000	23-Jun-2014	24-Oct-2014	0.34	\$17	n/a	\$17
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 update the Facility's records verifying test results. The date required is the investigation date, 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

\$1,000

TOTAL

\$17

Screening Date 3-Sep-2014
Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Abigail Lindsey

Docket No. 2014-1359-MLM-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 335.152(a)(1), 40 CFR § 264.15(b)(1) and IHW Permit No. 50190, Provisions II.A.2. and Table III.D.

Violation Description

Failed to follow the inspection schedule contained in the IHW Permit. Specifically, the permit inspections were not being performed; information was missing from the logs, such as the inspector's name, dates and times of inspection; and the date and actions taken for any remedial actions and repairs. Also, non-permit required inspections were not being conducted.

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: 1 72 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$175

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes: The Respondent came into compliance on October 24, 2014, after the Notice of Enforcement ("NOE") date of August 22, 2014.

Violation Subtotal \$1,575

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$533

Violation Final Penalty Total \$1,778

This violation Final Assessed Penalty (adjusted for limits) \$1,778

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION

Case ID No. 49267

Reg. Ent. Reference No. RN102181526

Media Industrial and Hazardous Waste

Violation No. 5

Percent Interest 5.0

Years of Depreciation 15

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

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	\$100	23-Jun-2014	24-Oct-2014	0.34	\$2	n/a	\$2
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 delayed cost to implement procedures to begin following the inspection schedule contained in the IHW permit. The date required is the investigation date 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]	\$500	22-Jun-2014	24-Oct-2014	1.26	\$31	\$500	\$531
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct inspections in accordance with the IHW Permit. The date required is one day prior to the investigation date and the final date is the compliance date.

Approx. Cost of Compliance

\$600

TOTAL

\$533

Screening Date 3-Sep-2014
Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Abigail Lindsey

Docket No. 2014-1359-MLM-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 335.474 and 335.479 and IHW Permit No. 50190, Provisions II.A.2. and II.B.8.

Violation Description

Failed to maintain on-site a five-year source reduction and waste minimization plan and make it available to commission personnel for inspection. Specifically, the Respondent did not provide the plan when it was requested by the investigator.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="15.0%"/>

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media Industrial and Hazardous Waste
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

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	23-Jun-2014	1-Apr-2015	0.77	\$193	n/a	\$193

Notes for DELAYED costs

Estimated cost to prepare and submit a five-year pollution prevention plan and the source reduction and waste minimization plan. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$193

Screening Date 3-Sep-2014
Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Abigail Lindsey

Docket No. 2014-1359-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to accurately and correctly prepare all manifests for hazardous and Class I waste. Specifically, two manifests dated December 26, 2013, indicated EPA hazard code D003 for TWC 1491212H; however, the LDR form indicates an additional EPA hazard code of D001, High Total Organic Content ("HTOC") category.

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%"/>
<input type="text" value="Less than 30% of the rule requirement was not met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>
	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"/>	

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
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 UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media Industrial and Hazardous Waste
Violation No. 7

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	\$100	23-Jun-2014	24-Oct-2014	0.34	\$2	n/a	\$2
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 delayed cost to develop procedures to properly complete manifests. The date required is the investigation date 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]	\$100	26-Dec-2013	24-Oct-2014	1.75	\$9	\$100	\$109
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for two incomplete manifests. The date required is the date of the manifests, and the final date is the compliance date.

Approx. Cost of Compliance

\$200

TOTAL

\$110

Screening Date 3-Sep-2014
Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Abigail Lindsey

Docket No. 2014-1359-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Respondent caused, suffered, allowed, or permitted the storage, processing, or disposal of hazardous waste without a permit. Specifically, the Respondent treated hazardous waste in a unit in the blending area on December 28, 2012, December 6, 2013 and June 4, 2014. The unit is not authorized by the Facility's operating permit.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification					Percent <input type="text" value="15.0%"/>
		x			

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

Twenty-one monthly events are recommended from the December 28, 2012 first treatment to the September 3, 2014 screening date.

Good Faith Efforts to Comply

Reduction

	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

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 UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media Industrial and Hazardous Waste
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	\$20,000	23-Jun-2014	1-Apr-2015	0.77	\$773	n/a	\$773
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to modify the Facility's permit. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$773

Screening Date 3-Sep-2014

Docket No. 2014-1359-MLM-E

PCW

Respondent UNION CARBIDE CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49267

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181526

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Abigail Lindsey

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 335.431(c) and 40 CFR § 266.7(a)

Violation Description

Failed to include all EPA hazardous waste codes with the LDR notification to the treatment, storage and disposal facility receiving the waste. Specifically, a shipment of hazardous waste had an accompanying LDR form which lacked all EPA hazardous codes on the manifest (Manifest No. 006564173FLE, dated October 21, 2013).

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

72 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

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$73

Violation Final Penalty Total \$279

This violation Final Assessed Penalty (adjusted for limits) \$279

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media Industrial and Hazardous Waste
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	\$500	23-Jun-2014	1-Apr-2015	0.77	\$19	n/a	\$19
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 develop and implement procedures to include all EPA hazardous waste codes with the LDR notification. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	21-Oct-2013	23-Jun-2014	1.59	\$4	\$50	\$54
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for one incomplete manifest. The date required is the date of the manifest, and the final date is the investigation date.

Approx. Cost of Compliance

\$550

TOTAL

\$73



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	25-Aug-2014	Screening	3-Sep-2014	EPA Due	
	PCW	2-Sep-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	UNION CARBIDE CORPORATION
Reg. Ent. Ref. No.	RN102181526
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	49267	Order Type	1660
Docket No.	2014-1359-MLM-E	Government/Non-Profit	No
Media Program(s)	Used Oil	Enf. Coordinator	Abigail Lindsey
Multi-Media	Industrial and Hazardous Waste	EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	11.0% Enhancement	Subtotals 2, 3, & 7	\$27
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Notes: Enhancement for three NOVs with dissimilar violations, one order containing a denial of liability, one federal consent decree with denial, reduction for 27 Notices of Intent to conduct an audit, and nine disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$0
Estimated Cost of Compliance \$5
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$215
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$215
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$215
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DEFERRAL	20.0% Reduction	Adjustment	-\$43
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$172
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Screening Date 3-Sep-2014

Docket No. 2014-1359-MLM-E

PCW

Respondent UNION CARBIDE CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49267

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181526

Media [Statute] Used Oil

Enf. Coordinator Abigail Lindsey

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>)	1	20%
	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>)	1	30%
	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>)	27	-27%
	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>)	9	-18%
<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) 11%

>> 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 three NOVs with dissimilar violations, one order containing a denial of liability, one federal consent decree with denial, reduction for 27 Notices of Intent to conduct an audit, and nine disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 11%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 11%

Screening Date 3-Sep-2014

Docket No. 2014-1359-MLM-E

PCW

Respondent UNION CARBIDE CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49267

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102181526

Media [Statute] Used Oil

Enf. Coordinator Abigail Lindsey

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 324.1 and 40 Code of Federal Regulations § 279.22(c)(1)

Violation Description Failed to label or clearly mark used oil storage containers with the words "Used Oil". Specifically, one drum containing used oil was not labeled.

Base Penalty \$5,000

>> 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 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$4,750

\$250

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 \$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 June 24, 2014, prior to the Notice of Enforcement date of August 22, 2014.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$216

This violation Final Assessed Penalty (adjusted for limits) \$216

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION
Case ID No. 49267
Reg. Ent. Reference No. RN102181526
Media Used Oil
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	23-Jun-2014	24-Jun-2014	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to label the used oil container. The date required is the investigation date, 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

\$5

TOTAL

\$0

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 CN601688781, RN102181526, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN601688781, UNION CARBIDE CORPORATION **Classification:** SATISFACTORY **Rating:** 1.26

Regulated Entity: RN102181526, UCC SEADRIFT OPERATIONS **Classification:** HIGH **Rating:** 0.00

Complexity Points: 53 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 7501 STATE HIGHWAY 185 NORTH, NEAR SEADRIFT, CALHOUN COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR OPERATING PERMITS PERMIT 1613

AIR OPERATING PERMITS PERMIT 2026

AIR OPERATING PERMITS PERMIT 2028

AIR OPERATING PERMITS PERMIT 2030

AIR OPERATING PERMITS PERMIT 2032

AIR OPERATING PERMITS ACCOUNT NUMBER CB0028T

WASTEWATER EPA ID TX0002844

AIR OPERATING PERMITS PERMIT 2025

AIR OPERATING PERMITS PERMIT 2027

AIR OPERATING PERMITS PERMIT 2029

AIR OPERATING PERMITS PERMIT 2031

AIR OPERATING PERMITS PERMIT 2035

WASTEWATER PERMIT WQ0000447000

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0290003

AIR NEW SOURCE PERMITS REGISTRATION 38028

AIR NEW SOURCE PERMITS REGISTRATION 39318

AIR NEW SOURCE PERMITS REGISTRATION 40183

AIR NEW SOURCE PERMITS REGISTRATION 41497

AIR NEW SOURCE PERMITS REGISTRATION 42305

AIR NEW SOURCE PERMITS REGISTRATION 42461

AIR NEW SOURCE PERMITS REGISTRATION 42787

AIR NEW SOURCE PERMITS REGISTRATION 42531

AIR NEW SOURCE PERMITS REGISTRATION 22398

AIR NEW SOURCE PERMITS REGISTRATION 22426

AIR NEW SOURCE PERMITS REGISTRATION 23191

AIR NEW SOURCE PERMITS REGISTRATION 22452

AIR NEW SOURCE PERMITS REGISTRATION 24043

AIR NEW SOURCE PERMITS REGISTRATION 26738

AIR NEW SOURCE PERMITS REGISTRATION 28647

AIR NEW SOURCE PERMITS REGISTRATION 31160

AIR NEW SOURCE PERMITS REGISTRATION 31855

AIR NEW SOURCE PERMITS REGISTRATION 32345

AIR NEW SOURCE PERMITS REGISTRATION 36631

AIR NEW SOURCE PERMITS REGISTRATION 45276

AIR NEW SOURCE PERMITS REGISTRATION 45441

AIR NEW SOURCE PERMITS REGISTRATION 45719

AIR NEW SOURCE PERMITS REGISTRATION 46163

AIR NEW SOURCE PERMITS REGISTRATION 46454

AIR NEW SOURCE PERMITS REGISTRATION 46804

AIR NEW SOURCE PERMITS REGISTRATION 47264

AIR NEW SOURCE PERMITS REGISTRATION 46967

AIR NEW SOURCE PERMITS REGISTRATION 48826

AIR NEW SOURCE PERMITS REGISTRATION 49609

AIR NEW SOURCE PERMITS REGISTRATION 49401

AIR NEW SOURCE PERMITS REGISTRATION 451

AIR NEW SOURCE PERMITS REGISTRATION 38500

AIR NEW SOURCE PERMITS REGISTRATION 40045

AIR NEW SOURCE PERMITS REGISTRATION 40873

AIR NEW SOURCE PERMITS REGISTRATION 42294

AIR NEW SOURCE PERMITS REGISTRATION 42530

AIR NEW SOURCE PERMITS REGISTRATION 42767

AIR NEW SOURCE PERMITS REGISTRATION 42462

AIR NEW SOURCE PERMITS REGISTRATION 42083

AIR NEW SOURCE PERMITS REGISTRATION 22397

AIR NEW SOURCE PERMITS REGISTRATION 23070

AIR NEW SOURCE PERMITS REGISTRATION 21471

AIR NEW SOURCE PERMITS REGISTRATION 22453

AIR NEW SOURCE PERMITS REGISTRATION 24514

AIR NEW SOURCE PERMITS REGISTRATION 28514

AIR NEW SOURCE PERMITS REGISTRATION 30181

AIR NEW SOURCE PERMITS REGISTRATION 31386

AIR NEW SOURCE PERMITS REGISTRATION 31991

AIR NEW SOURCE PERMITS REGISTRATION 32964

AIR NEW SOURCE PERMITS REGISTRATION 43986

AIR NEW SOURCE PERMITS REGISTRATION 45338

AIR NEW SOURCE PERMITS REGISTRATION 45492

AIR NEW SOURCE PERMITS REGISTRATION 46016

AIR NEW SOURCE PERMITS REGISTRATION 46441

AIR NEW SOURCE PERMITS REGISTRATION 46611

AIR NEW SOURCE PERMITS PERMIT 47091

AIR NEW SOURCE PERMITS PERMIT 47787

AIR NEW SOURCE PERMITS REGISTRATION 47875

AIR NEW SOURCE PERMITS PERMIT 48709

AIR NEW SOURCE PERMITS REGISTRATION 49720

AIR NEW SOURCE PERMITS PERMIT 378

AIR NEW SOURCE PERMITS PERMIT 803

AIR NEW SOURCE PERMITS REGISTRATION 1138
AIR NEW SOURCE PERMITS REGISTRATION 1255

AIR NEW SOURCE PERMITS PERMIT 1567
AIR NEW SOURCE PERMITS PERMIT 1567B
AIR NEW SOURCE PERMITS REGISTRATION 1616
AIR NEW SOURCE PERMITS PERMIT 2025A
AIR NEW SOURCE PERMITS PERMIT 2027
AIR NEW SOURCE PERMITS PERMIT 2556
AIR NEW SOURCE PERMITS PERMIT 2731
AIR NEW SOURCE PERMITS PERMIT 3075
AIR NEW SOURCE PERMITS PERMIT 3639
AIR NEW SOURCE PERMITS PERMIT 6361
AIR NEW SOURCE PERMITS PERMIT 7405
AIR NEW SOURCE PERMITS PERMIT 9537
AIR NEW SOURCE PERMITS REGISTRATION 11257
AIR NEW SOURCE PERMITS REGISTRATION 11446
AIR NEW SOURCE PERMITS REGISTRATION 11549
AIR NEW SOURCE PERMITS REGISTRATION 15764
AIR NEW SOURCE PERMITS REGISTRATION 16644
AIR NEW SOURCE PERMITS PERMIT 19073
AIR NEW SOURCE PERMITS PERMIT 22321
AIR NEW SOURCE PERMITS ACCOUNT NUMBER CB0028T
AIR NEW SOURCE PERMITS REGISTRATION 55168
AIR NEW SOURCE PERMITS REGISTRATION 75724
AIR NEW SOURCE PERMITS AFS NUM 4805700003
AIR NEW SOURCE PERMITS PERMIT 48645
AIR NEW SOURCE PERMITS REGISTRATION 70525
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX921
AIR NEW SOURCE PERMITS REGISTRATION 51164
AIR NEW SOURCE PERMITS REGISTRATION 41504
AIR NEW SOURCE PERMITS REGISTRATION 74444
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX118M4
AIR NEW SOURCE PERMITS REGISTRATION 77766
AIR NEW SOURCE PERMITS REGISTRATION 78214
AIR NEW SOURCE PERMITS REGISTRATION 80204
AIR NEW SOURCE PERMITS REGISTRATION 82096
AIR NEW SOURCE PERMITS REGISTRATION 83878
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX118M2
AIR NEW SOURCE PERMITS REGISTRATION 106356
AIR NEW SOURCE PERMITS REGISTRATION 106357
AIR NEW SOURCE PERMITS REGISTRATION 106362
AIR NEW SOURCE PERMITS REGISTRATION 106111
AIR NEW SOURCE PERMITS REGISTRATION 106355
AIR NEW SOURCE PERMITS REGISTRATION 106360
AIR NEW SOURCE PERMITS REGISTRATION 109190
AIR NEW SOURCE PERMITS REGISTRATION 106113
AIR NEW SOURCE PERMITS REGISTRATION 106166
AIR NEW SOURCE PERMITS REGISTRATION 106359
AIR NEW SOURCE PERMITS REGISTRATION 105923
AIR NEW SOURCE PERMITS REGISTRATION 105911
AIR NEW SOURCE PERMITS REGISTRATION 106107
AIR NEW SOURCE PERMITS REGISTRATION 111680
AIR NEW SOURCE PERMITS REGISTRATION 106348
AIR NEW SOURCE PERMITS REGISTRATION 106109
AIR NEW SOURCE PERMITS REGISTRATION 106123
AIR NEW SOURCE PERMITS REGISTRATION 106345
AIR NEW SOURCE PERMITS REGISTRATION 106119
AIR NEW SOURCE PERMITS REGISTRATION 113197

AIR NEW SOURCE PERMITS REGISTRATION 1158
AIR NEW SOURCE PERMITS REGISTRATION 1442

AIR NEW SOURCE PERMITS PERMIT 1567A
AIR NEW SOURCE PERMITS PERMIT 1570A
AIR NEW SOURCE PERMITS PERMIT 2023
AIR NEW SOURCE PERMITS PERMIT 2026A
AIR NEW SOURCE PERMITS PERMIT 2301
AIR NEW SOURCE PERMITS PERMIT 2607
AIR NEW SOURCE PERMITS PERMIT 3074
AIR NEW SOURCE PERMITS PERMIT 3513A
AIR NEW SOURCE PERMITS PERMIT 6141A
AIR NEW SOURCE PERMITS REGISTRATION 7404
AIR NEW SOURCE PERMITS PERMIT 7924
AIR NEW SOURCE PERMITS REGISTRATION 10541
AIR NEW SOURCE PERMITS REGISTRATION 11441
AIR NEW SOURCE PERMITS REGISTRATION 11448
AIR NEW SOURCE PERMITS REGISTRATION 14682
AIR NEW SOURCE PERMITS REGISTRATION 16330
AIR NEW SOURCE PERMITS PERMIT 9609A
AIR NEW SOURCE PERMITS PERMIT 19360
AIR NEW SOURCE PERMITS PERMIT 38481
AIR NEW SOURCE PERMITS PERMIT 18773
AIR NEW SOURCE PERMITS REGISTRATION 75395
AIR NEW SOURCE PERMITS REGISTRATION 42529
AIR NEW SOURCE PERMITS PERMIT 48643
AIR NEW SOURCE PERMITS PERMIT 48653
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX118M1
AIR NEW SOURCE PERMITS REGISTRATION 52527
AIR NEW SOURCE PERMITS REGISTRATION 72928
AIR NEW SOURCE PERMITS REGISTRATION 74204
AIR NEW SOURCE PERMITS REGISTRATION 74360
AIR NEW SOURCE PERMITS REGISTRATION 77224
AIR NEW SOURCE PERMITS REGISTRATION 78664
AIR NEW SOURCE PERMITS REGISTRATION 79798
AIR NEW SOURCE PERMITS REGISTRATION 80466
AIR NEW SOURCE PERMITS REGISTRATION 82006
AIR NEW SOURCE PERMITS REGISTRATION 84497
AIR NEW SOURCE PERMITS REGISTRATION 90957
AIR NEW SOURCE PERMITS REGISTRATION 106116
AIR NEW SOURCE PERMITS REGISTRATION 106161
AIR NEW SOURCE PERMITS REGISTRATION 105920
AIR NEW SOURCE PERMITS REGISTRATION 106352
AIR NEW SOURCE PERMITS REGISTRATION 106105
AIR NEW SOURCE PERMITS REGISTRATION 105929
AIR NEW SOURCE PERMITS REGISTRATION 106346
AIR NEW SOURCE PERMITS REGISTRATION 114503
AIR NEW SOURCE PERMITS REGISTRATION 106363
AIR NEW SOURCE PERMITS REGISTRATION 106162
AIR NEW SOURCE PERMITS REGISTRATION 106372
AIR NEW SOURCE PERMITS REGISTRATION 106371
AIR NEW SOURCE PERMITS REGISTRATION 106101
AIR NEW SOURCE PERMITS REGISTRATION 106167
AIR NEW SOURCE PERMITS REGISTRATION 105914
AIR NEW SOURCE PERMITS REGISTRATION 106370
AIR NEW SOURCE PERMITS REGISTRATION 112829
AIR NEW SOURCE PERMITS REGISTRATION 106349
AIR NEW SOURCE PERMITS REGISTRATION 106361
AIR NEW SOURCE PERMITS REGISTRATION 106165

AIR NEW SOURCE PERMITS REGISTRATION 119294
AIR NEW SOURCE PERMITS REGISTRATION 106112
AIR NEW SOURCE PERMITS REGISTRATION 105905
AIR NEW SOURCE PERMITS REGISTRATION 106122

AIR NEW SOURCE PERMITS REGISTRATION 106368
AIR NEW SOURCE PERMITS REGISTRATION 105925
AIR NEW SOURCE PERMITS REGISTRATION 104792
AIR NEW SOURCE PERMITS REGISTRATION 105924

AIR NEW SOURCE PERMITS REGISTRATION 106160
AIR NEW SOURCE PERMITS REGISTRATION 105927
AIR NEW SOURCE PERMITS REGISTRATION 106110
AIR NEW SOURCE PERMITS REGISTRATION 106358
AIR NEW SOURCE PERMITS REGISTRATION 106367
AIR NEW SOURCE PERMITS REGISTRATION 105912
WATER LICENSING LICENSE 0290003
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50190

AIR NEW SOURCE PERMITS REGISTRATION 105910
AIR NEW SOURCE PERMITS REGISTRATION 118024
AIR NEW SOURCE PERMITS REGISTRATION 106350
AIR NEW SOURCE PERMITS REGISTRATION 106366
AIR NEW SOURCE PERMITS REGISTRATION 108571
AIR NEW SOURCE PERMITS REGISTRATION 105906
WASTEWATER LICENSING LICENSE WQ0000447000
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD041515420
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 50190
AIR EMISSIONS INVENTORY ACCOUNT NUMBER CB0028T

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30129
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30129
POLLUTION PREVENTION PLANNING ID NUMBER
P00744

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: August 26, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 26, 2009 to August 26, 2014

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

Name: Abigail Lindsey

Phone: (512) 239-2576

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:** 11/01/2013 **ADMINORDER** 2013-0906-PWS-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: TTHM MCL 3Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2012 with a RAA of 0.091 mg/L.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: TTHM MCL 4Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 4th quarter of 2012 with a RAA of 0.137 mg/L.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: TTHM MCL 1Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2013 with a RAA of 0.134 mg/L.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: HAA5 MCL 4Q2012 - The system violated the maximum contaminant level for haloacetic acids during the 4th quarter of 2012 with a RAA of 0.062 mg/L.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 335, SubChapter J 335.323

Description: Failed to pay all annual Hazardous Waste Generation fees for TCEQ Financial Administration Account No.

0300345G for Fiscal Year 2010.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 07, 2009	(775957)
Item 2	October 20, 2009	(804243)
Item 3	November 19, 2009	(804244)
Item 4	December 01, 2009	(783332)
Item 5	December 17, 2009	(804245)
Item 6	January 19, 2010	(804246)
Item 7	January 20, 2010	(788413)
Item 8	January 29, 2010	(789288)
Item 9	February 19, 2010	(804240)
Item 10	February 26, 2010	(793989)
Item 11	March 19, 2010	(830718)
Item 12	April 16, 2010	(830719)
Item 13	May 18, 2010	(830720)
Item 14	June 16, 2010	(846214)
Item 15	July 19, 2010	(860812)
Item 16	August 11, 2010	(846087)
Item 17	August 18, 2010	(866774)
Item 18	September 17, 2010	(873848)
Item 19	October 19, 2010	(881452)
Item 20	November 18, 2010	(887982)
Item 21	November 30, 2010	(878998)
Item 22	December 15, 2010	(896179)
Item 23	January 14, 2011	(887269)
Item 24	January 18, 2011	(886463)
Item 25	January 21, 2011	(892140)
Item 26	January 25, 2011	(892247)
Item 27	February 10, 2011	(894372)
Item 28	February 19, 2011	(909029)
Item 29	March 01, 2011	(900378)
Item 30	March 18, 2011	(916291)
Item 31	April 01, 2011	(908289)
Item 32	April 20, 2011	(924707)
Item 33	May 19, 2011	(937971)
Item 34	June 20, 2011	(945286)
Item 35	July 07, 2011	(936085)
Item 36	July 20, 2011	(937747)
Item 37	July 26, 2011	(900828)
Item 38	August 18, 2011	(959249)
Item 39	August 30, 2011	(942137)
Item 40	September 19, 2011	(965281)
Item 41	September 27, 2011	(956616)
Item 42	October 14, 2011	(971324)
Item 43	November 17, 2011	(977482)
Item 44	December 06, 2011	(968899)
Item 45	December 19, 2011	(984251)
Item 46	January 17, 2012	(990550)

Item 47	January 26, 2012	(981676)
Item 48	February 08, 2012	(982114)
Item 49	February 17, 2012	(997915)
Item 50	March 19, 2012	(1003432)
Item 51	March 23, 2012	(995329)
Item 52	March 27, 2012	(995414)
Item 53	April 13, 2012	(1009998)
Item 54	April 20, 2012	(997819)
Item 55	May 16, 2012	(1016392)
Item 56	May 25, 2012	(1002045)
Item 57	May 29, 2012	(1008339)
Item 58	June 18, 2012	(1013803)
Item 59	June 19, 2012	(1024115)
Item 60	July 19, 2012	(1031510)
Item 61	July 24, 2012	(1021365)
Item 62	August 20, 2012	(1037885)
Item 63	September 20, 2012	(1046609)
Item 64	October 15, 2012	(1060696)
Item 65	November 15, 2012	(1060697)
Item 66	December 04, 2012	(1049502)
Item 67	December 06, 2012	(1050514)
Item 68	December 13, 2012	(1051240)
Item 69	December 17, 2012	(1051610)
Item 70	December 18, 2012	(1060698)
Item 71	January 03, 2013	(1052422)
Item 72	January 08, 2013	(1052771)
Item 73	January 17, 2013	(1053817)
Item 74	January 18, 2013	(1078855)
Item 75	January 25, 2013	(1046080)
Item 76	February 19, 2013	(1078854)
Item 77	March 18, 2013	(1089252)
Item 78	April 18, 2013	(1095646)
Item 79	May 16, 2013	(1106571)
Item 80	June 18, 2013	(1110247)
Item 81	July 18, 2013	(1117125)
Item 82	August 02, 2013	(1104676)
Item 83	August 15, 2013	(1124885)
Item 84	August 19, 2013	(1114055)
Item 85	September 17, 2013	(1129487)
Item 86	October 17, 2013	(1135216)
Item 87	November 19, 2013	(1140616)
Item 88	November 20, 2013	(1133185)
Item 89	November 22, 2013	(1132607)
Item 90	December 12, 2013	(1147073)
Item 91	January 15, 2014	(1153144)
Item 92	February 13, 2014	(1132652)
Item 93	March 19, 2014	(1167125)
Item 94	April 17, 2014	(1174258)
Item 95	May 16, 2014	(1180446)
Item 96	June 17, 2014	(1187343)
Item 97	July 14, 2014	(1177321)
Item 98	July 24, 2014	(1179886)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 03/13/2014 (1152776) CN601688781
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)(4)
Description: Failed to install water transmission and distribution lines in accordance with the

manufacturer's instructions. However, the top of the waterline must be located below the frost line and in no case shall the top of the waterline be less than 24 inches below ground surface.

2 Date: 08/01/2014 (1185293) CN601688781

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP STC 12 OP
NSR SC 5(C) PA

Description: Failure to comply with permit conditions. Specifically, on July 12, 2013 at 21:00 hours - July 13, 2013 at 06:00 hours, UCC Seadrift Operations failed to maintain a minimum flow rate of 80 pounds per hour for nine hours to the scrubber (EPN 130).

3 Date: 08/15/2014 (1186206) CN601688781

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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)
General Terms & Conditions OP
NSR Permit 2023 Special Condition 3 PERMIT
Special Terms & Condition No. 10 OP
Special Terms & Conditions No. 8 OP

Description: Failure to comply with special conditions of an applicable state permit which apply to the monitoring of ethylene and vinyl acetate emissions.

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.890
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480
5C THSC Chapter 382 382.085(b)
NSR 2023 Special Condition 8(F) PERMIT
Special Terms & Conditions No. 10 OP
Special Terms & Conditions No. 8 OP

Description: Failure to comply with special conditions of an applicable state permit and applicable federal regulations which apply to the monitoring of fugitive emissions.

F. Environmental audits:

Disclosure Date: 02/03/2010

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.563(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.563(d)(2)

Rqmt Prov: PERMIT 28 VHP Permit 6141
PERMIT 28 VHP Permit 6361

Description: Failed to double isolate four discharge vents that vent to the atmosphere in the polypropylene plant [identified as by-pass lines under 40 CFR 60.563(d)(1)(2)], and one vent at the LP1 plant also.

Disclosure Date: 04/21/2010

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.563(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.563(d)(2)

Rqmt Prov: PERMIT 28 VHP Permit 6141
PERMIT 28 VHP Permit 6361

Description: Failed to double isolate four discharge vents that vent to the atmosphere in the polypropylene plant [identified as by-pass lines under 40 CFR 60.563(d)(1)(2)], and one vent at the LP1 plant also.

Notice of Intent Date: 02/17/2010 (797628)

Disclosure Date: 09/22/2010

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart A 60.18

Description: Failed to maintain the minimum heat requirement of the flared material at 300 Btu/scf, as the average temperature of the flared material was 296 Btu/scf. However, the conditions that caused the heat content to drop during the April 2010 test only occur intermittently (about 3% of the time).

Notice of Intent Date: 03/30/2010 (801204)
No DOV Associated

Notice of Intent Date: 04/12/2010 (801198)

Disclosure Date: 11/01/2010
Viol. Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter U 106.478
Description: Failed to have Tank 1103 painted white.

Notice of Intent Date: 08/02/2010 (849275)
No DOV Associated

Notice of Intent Date: 04/25/2011 (922214)
No DOV Associated

Notice of Intent Date: 07/20/2011 (944919)
No DOV Associated

Notice of Intent Date: 10/03/2011 (1015431)
No DOV Associated

Notice of Intent Date: 12/05/2011 (974763)
Disclosure Date: 06/01/2012
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to develop and implement a complete written QC program.

Notice of Intent Date: 12/13/2011 (1014161)
No DOV Associated

Notice of Intent Date: 01/16/2012 (1014144)
Disclosure Date: 06/01/2012
Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.110(a)(1)
30 TAC Chapter 116, SubChapter B 116.110(a)(2)
30 TAC Chapter 116, SubChapter B 116.110(a)(3)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 116, SubChapter B 116.110(a)(5)
Description: Failure to have authorization for barge loading for ethylene glycol monobutyl ether, diethylene glycol monobutyl ether, butoxytriglycol, ethylene glycol, triethylene glycol, monoethanolamine, diethanolamine, triethanolamine and tank car and tank truck unloading hose vents

Notice of Intent Date: 01/19/2012 (1046477)
No DOV Associated

Notice of Intent Date: 08/15/2012 (1030514)
Disclosure Date: 01/14/2013
Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
Description: Failure to have authorization for combustion product emissions resulting from the combustion of methand assist gas and ammonia at the Ethanolamines area flare.

Notice of Intent Date: 01/08/2013 (1059212)
No DOV Associated

Notice of Intent Date: 01/08/2013 (1105574)
Disclosure Date: 08/02/2013
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
Description: Failed to have modifications made in the Catalyst Unit that resulted in an increase of emissions at the Silyl Chromate Charge Pot. These modifications were not authorized as required by 30 TAC 116.110 (a). The emissions amounts were determined and an evaluation was made indicating that the conditions of Permit by Rule 106.262 can be met to authorize these modifications.

Notice of Intent Date: 02/07/2013 (1076489)
Disclosure Date: 08/06/2013
Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failed to update available distribution system map to illustrate the current system.
Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)

Description: Failed to submit an annual list of operators to the TCEQ.
Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failed to have monthly flushing logs readily available.
Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)

Description: Failed to have chemical analysis data for testing available for the prior ten years.
Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failed to update monitoring plan and associated forms.

Notice of Intent Date: 02/18/2013 (1076520)
No DOV Associated
Notice of Intent Date: 03/08/2013 (1076439)
No DOV Associated

Notice of Intent Date: 03/28/2013 (1103141)
No DOV Associated

Notice of Intent Date: 07/08/2013 (1116602)
No DOV Associated

Notice of Intent Date: 08/14/2013 (1115300)
No DOV Associated

Notice of Intent Date: 08/14/2013 (1115304)
No DOV Associated

Notice of Intent Date: 11/11/2013 (1133907)
No DOV Associated

Notice of Intent Date: 12/05/2013 (1140258)
No DOV Associated

Notice of Intent Date: 03/31/2014 (1163681)
No DOV Associated

Notice of Intent Date: 04/29/2014 (1170901)
No DOV Associated

Notice of Intent Date: 04/28/2014 (1170915)
No DOV Associated

Notice of Intent Date: 05/01/2014 (1171740)
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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: UCC SEADRIFT OPERATIONS

Reg Entity Add: 7501 HIGHWAY 185 NORTH

Reg Entity City: SEADRIFT

Reg Entity No: RN102181526

Customer Name: Union Carbide Corporation

Customer No: CN601688781

EPA Case No: 06-2013-3334

Order Issue Date (yyyymmdd): 20130612

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 112

Classification: Minor

Program: National Emission Stand **Citation:**

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
UNION CARBIDE CORPORATION	§	
RN102181526	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-1359-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 UNION CARBIDE CORPORATION ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 371 and TEX. WATER CODE ch 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a synthetic organic chemical manufacturing facility at 7501 State Highway 185 North near Seadrift, Calhoun County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial solid and hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361 and the management of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
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 August 27, 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 One Hundred Nineteen Thousand Six Hundred Thirty-Four Dollars (\$119,634) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Forty-

Seven Thousand Eight Hundred Fifty-Four Dollars (\$47,854) of the administrative penalty and Twenty-Three Thousand Nine Hundred Twenty-Six Dollars (\$23,926) 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. Forty-Seven Thousand Eight Hundred Fifty-Four Dollars (\$47,854) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director 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. Labeled the drum containing used oil with the words "Used Oil" on June 24, 2014;
 - b. Began maintaining records for all monitoring information including test results on October 24, 2014;
 - c. Began following the inspection schedule on October 24, 2014; and
 - d. Developed procedures to properly complete manifests on October 24, 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 update the Facility's Notice of Registration ("NOR"), in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on June 23, 2014. Specifically, Industrial Hazardous Waste ("IHW") Permit No. 50190 indicates

solid waste management unit ("SWMU") NOR 110 as part of Permit Unit No. 15, however, unit 110 does not exist in the Facility's NOR. Additionally, SWMU NOR 021, formerly Permit Unit No. 002, blending container storage area, was listed as inactive and closed; however, it was noted that treatment of hazardous and nonhazardous waste was being conducted in the formerly permitted unit. In the land disposal restriction ("LDR") documentation, some waste streams listed in the NOR did not include all hazardous waste codes as required. Texas Waste Code ("TWC") 186939H was missing Environmental Protection Agency ("EPA") code D021; TWC 1012206H was missing EPA codes D039 and D040; TWC 1869393H was missing EPA codes D007 and D021; and TWC 1500212H was missing EPA code D001.

2. Failed to maintain waste classification documentation on each waste stream immediately upon waste generation, in violation of 30 TEX. ADMIN. CODE § 335.513, as documented during an investigation conducted on June 23, 2014. Specifically, the documentation lacked a description of the waste, the date of the initial generation of the waste, description of the process that generated the waste, and analytical or process knowledge used.
3. Failed to maintain the cover on the North Landfill, West Landfill, and In-Plant Lagoon Waste Management Area ("IPLWMA") (TCEQ Permit Unit Nos. 4, 3 and 15), in violation of 30 TEX. ADMIN. CODE § 305.125(1) and IHW Permit No. 50190, Provisions II.A.2. and VII.F.2., as documented during an investigation conducted on June 23, 2014. Specifically, there were ruts caused by maintenance vehicles, the beginning of erosion along some areas lacking vegetation, and ponding and standing water on top of the closed landfill cap.
4. Failed to maintain the required documentation for all monitoring information, copies of all reports, records and certification, in violation of 30 TEX. ADMIN. CODE § 305.125(1), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 264.13, and IHW Permit No. 50190, Provisions II.A.2., II.B.C. and IV.A., as documented during an investigation conducted on June 23, 2014. Specifically, the Respondent failed to maintain records verifying treated wastes that contained free liquids passed EPA Method 9095 (Paint Filter Test) and records verifying treated wastes using a treatment technology that is based solely on a pozzolomic reaction between waste and a stabilizing agent.
5. Failed to maintain a self-sustaining vegetative cover on the capped areas by periodic seeding, fertilizing, irrigation and mowing, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and IHW Permit No. 50190, Provisions II.A.2. and VII.F.3., as documented during an investigation conducted on June 23, 2014. Specifically, the West Landfill (Permit Unit No. 3) and IPLWMA (Permit Unit No. 15, NORs 22 through 28 and 110) lacked a self-sustaining vegetative cover.
6. Failed to follow the inspection schedule contained in the IHW Permit, in violation of 30 TEX. ADMIN. CODE § 335.152(a)(1), 40 CFR § 264.15(b)(1) and IHW Permit No. 50190, Provisions II.A.2. and Table III.D., as documented during an investigation conducted on June 23, 2014. Specifically, the permit inspections were not being performed; information was missing from the logs, such as the inspector's name, dates and times of inspection; and the date and actions taken for any remedial actions and repairs. Also, non-permit required inspections were not being conducted.

7. Failed to maintain on-site a five-year source reduction and waste minimization plan and make it available to commission personnel for inspection, in violation of 30 TEX. ADMIN. CODE §§ 335.474 and 335.479 and IHW Permit No. 50190, Provisions II.A.2. and II.B.8., as documented during an investigation conducted on June 23, 2014. Specifically, the Respondent did not provide the plan when it was requested by the investigator.
8. Failed to accurately and correctly prepare all manifests for hazardous and Class I waste, in violation of 30 TEX. ADMIN. CODE § 335.10(c) and 40 CFR § 262.20(a), as documented during an investigation conducted on June 23, 2014. Specifically, two manifests dated December 26, 2013, indicated EPA hazard code D003 for TWC 1491212H; however, the LDR form indicates an additional EPA hazard code of D001, High Total Organic Content ("HTOC") category.
9. Caused, suffered, allowed, or permitted the storage, processing, or disposal of hazardous waste without a permit, in violation of 30 TEX. ADMIN. CODE § 335.43 and 40 CFR § 270.1, as documented during an investigation conducted on June 23, 2014. Specifically, the Respondent treated hazardous waste in a unit in the blending area on December 28, 2012, December 6, 2013 and June 4, 2014. The unit is not authorized by the Facility's operating permit.
10. Failed to include all EPA hazardous waste codes with the LDR notification to the treatment, storage and disposal facility receiving the waste, in violation of 30 TEX. ADMIN. CODE § 335.431(c) and 40 CFR § 266.7(a), as documented during an investigation conducted on June 23, 2014. Specifically, a shipment of hazardous waste had an accompanying LDR form which lacked all EPA hazardous codes on the manifest (Manifest No. 006564173FLE, dated October 21, 2013).
11. Failed to label or clearly mark used oil storage containers with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 CFR § 279.22(c)(1), as documented during an investigation conducted on June 23, 2014. Specifically, one drum containing used oil was not labeled.

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: UNION CARBIDE CORPORATION, Docket No. 2014-1359-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Forty-Seven Thousand Eight Hundred Fifty-Four Dollars (\$47,854) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed order, cease treating hazardous waste in the SWMU located in the blending area of the Facility unless proper authorization is obtained.
 - b. Within 30 days after the effective date of this Agreed Order, either submit an administratively complete permit application in order to authorize treatment of hazardous waste in the SWMU blending area at the Facility, in accordance with 30 TEX. ADMIN. CODE § 335.43, or submit a closure plan to permanently close the SWMU blending area, in accordance with 40 CFR § 265, Subpart J. The permit application or closure plan shall be submitted to:

Texas Commission on Environmental Quality
Attention: Waste permits Division, MC 126
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application or closure plan within 30 days after the date of such request, or by any other deadline specified in writing.

- c. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's NOR including, but not limited to, current operational status of the SWMUs and waste streams and a TWC and an EPA waste code for each hazardous waste, in accordance with 30 TEX. ADMIN. CODE § 335.6;
 - ii. Begin maintaining waste classification documentation on each waste stream, in accordance with 30 TEX. ADMIN. CODE § 335.513;
 - iii. Submit a five-year source reduction and waste minimization plan, in accordance with 30 TEX. ADMIN. CODE § 335.474 and Permit No. 50190, Provisions II.A.2. and II.B.8.; and

- iv. Develop and implement procedures to include all EPA hazardous waste codes with LDR notifications, in accordance with 30 TEX. ADMIN. CODE § 335.431 and 40 CFR § 266.7.
- d. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a through 3.c.
- e. Within 180 days after the effective date of this Agreed Order, improve drainage over the landfill cap to prevent water from ponding, correct effects of erosion, and begin maintaining a self-sustaining vegetative growth, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and Permit No. 50190, Provisions II.A.2., VII.F.2. and VII.F.3.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e.
- g. Submit written certification within 30 days after authorization for the SWMU blending area at the Facility has been obtained or the specifications of an approved closure plan for the SWMU blending area have been met. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

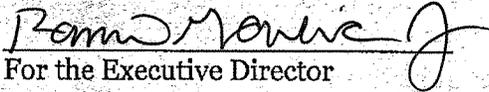
Waste Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

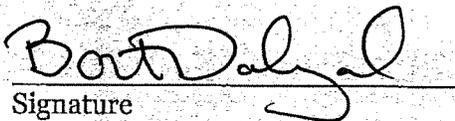
11/3/15
Date

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.


Signature

Feb 4, 2015
Date

BART DOLEZAL
Name (Printed or typed)
Authorized Representative of
UNION CARBIDE CORPORATION

RESPONSIBLE CARE LEADER
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.

Attachment A
Docket Number: 2014-1359-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	UNION CARBIDE CORPORATION
Penalty Amount:	Ninety-Five Thousand Seven Hundred Eight Dollars (\$95,708)
SEP Offset Amount:	Forty-Seven Thousand Eight Hundred Fifty-Four Dollars (\$47,854)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Household Hazardous Waste Collection</i>
Location of SEP:	Calhoun County: Lavaca-Guadalupe Coastal Basin, Gulf Coast Aquifer

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Household Hazardous Waste ("HHW") Collection* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities (collectively known as "Partner Entities") to conduct events for residents to bring in HHW such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (the "Project"). Where possible, the Project may also offer electronics collection, disposal, and recycling. The Third-Party Administrator shall work with Partner Entities to determine exactly which materials will be accepted and how they will be disposed of or recycled.

The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event. Third-Party Administrator shall use only licensed haulers and authorized disposal sites.

UNION CARBIDE CORPORATION
Agreed Order - Attachment A

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being made solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW, and will provide for proper and protective disposal or recycling of collected materials.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ.** Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.