



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

(AE-17J)

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Millissa Flanagan, EH&S Manager  
SABIC Innovative Plastics  
1 Lexan Lane  
Mt. Vernon, Indiana 47620

Re: Finding of Violation  
SABIC Innovative Plastics  
Mt. Vernon, Indiana

Dear Ms. Flanagan:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to SABIC Innovative Plastics ("SABIC" or "you"). We find that you have violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Mt. Vernon, Indiana facility.

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action...

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Constantinos Loukeris. You may call Mr. Loukeris at (312) 353-6198 or Andre Daugavietis at (312) 886-6663 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



 Cheryl L. Newton,  
Acting Director  
Air and Radiation Division

Enclosure

cc: Derrick Ohning, IDEM

United States Environmental Protection Agency Region 5

IN THE MATTER OF: )  
 )  
SABIC Innovative Plastics ) FINDING OF VIOLATION  
Mt. Vernon, Indiana )  
 ) EPA-5-08-IN-18  
 )  
Proceedings Pursuant to )  
the Clean Air Act, )  
42 U.S.C. §§ 7401 et seq. )

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds SABIC Innovative Plastics (SABIC or you) in violation of Section 112 of the Clean Air Act (the Act), 42 U.S.C. § 7412, as set forth below, at the Mt. Vernon facility. Specifically, the facility has been operated in violation of the National Emission Standards for Organic Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) at 40 C.F.R. Part 63, Subparts F and G, the NESHAP for Generic Source Categories (Generic MACT) at 40 C.F.R. Part 63 Subpart YY, the NESHAP for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT Controls) at 40 C.F.R. 63 Subpart SS, the NESHAP for Source Categories (General Provisions) at 40 C.F.R. 63 Subpart A, and the Protection of Stratospheric Ozone (PSO) at 40 C.F.R. Part 82 Subpart A as follows:

**Regulatory Authority**

1. On April 22, 1994, EPA promulgated the following NESHAPs:
  - a. The NESHAP for the SOCMI at 40 C.F.R. Part 63, Subpart F (59 Fed. Reg. 19454);
  - b. The NESHAP for SOCMI for Process Vents, Storage Vessels, Transfer Operations, and Wastewater at 40 C.F.R. Part 63, Subpart G (59 Fed. Reg. 19468); and
  - c. The NESHAP for Equipment Leaks at 40 C.F.R. Part 63, Subpart H (59 Fed. Reg. 19568).

These standards are collectively known as the Hazardous Organic NESHAP (“HON”).

2. The HON, at 40 C.F.R. § 63.132(a)(1), requires an owner or operator to determine whether each wastewater stream requires control for Table 9 compounds by complying

with the requirements in either paragraph (a)(1)(i) or (a)(1)(ii) of the section, and complying with the requirements in paragraph (a)(1)(iii) of this section.

3. The HON, at 40 C.F.R. § 63.132(c), provides instructions for determining whether a wastewater stream is considered as Group 1 or Group 2 for Table 9 compounds. Total annual average concentration shall be determined according to the procedures specified in §63.144(b) of the subpart. Annual average flow rate shall be determined according to the procedures specified in §63.144(c) of Subpart G.
4. The HON, at 40 C.F.R. § 63.144(b)(3), provides that where the source's knowledge is used to determine the annual average concentration, the owner or operator shall provide sufficient information to document the annual average concentration for wastewater streams determined to be Group 2 wastewater streams. Documentation to determine the annual average concentration is not required for Group 1 streams. Examples of acceptable documentation include material balances, records of chemical purchases, process stoichiometry, or previous test results. If test data are used, the owner or operator shall provide documentation describing the testing protocol and the means by which any losses of volatile compounds during sampling, and the bias and accuracy of the analytical method, were accounted for in the determination.
5. The HON, at 40 C.F.R. § 63.132(a)(2), for wastewater streams that are Group 1 for Table 9 compounds, the owner or operator shall comply with paragraphs (a)(2)(i) through (a)(2)(iv) of the section.
6. The HON, at 40 C.F.R. § 63.132(a)(2)(i), requires affected sources to comply with the applicable requirements for wastewater tanks, surface impoundments, containers, individual drain systems, and oil/water separators as specified in § 63.133 through § 63.137 of this subpart, except as provided in paragraphs (a)(2)(i)(A) and (a)(2)(i)(B) of this section and § 63.138(a)(3) of Subpart G.
7. The HON, at 40 C.F.R. § 63.133(a), for each wastewater tank that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, requires affected sources to comply with the requirements of either paragraph (a)(1) or (a)(2) of this section as specified in table 10 of Subpart G.
8. The HON, at 40 C.F.R. § 63.102(a), provides that the requirements set forth in Subpart F and Subpart G shall apply at all times except during periods of start-up or shutdown (as defined in § 63.101), malfunction, or non-operation of the chemical manufacturing process unit (or specific portion thereof) resulting in cessation of the emissions to which Subpart F and Subpart G apply. However, if a start-up, shutdown, malfunction or period of non-operation of one portion of a chemical manufacturing process unit does not affect the ability of a particular emission point to comply with the specific provisions to which it is subject, then that emission point shall still be required to comply with the applicable provisions of Subpart F and Subpart G during the start-up, shutdown, malfunction or period of non-operation. For example, if there is an overpressure in the reactor area, a storage vessel in the chemical manufacturing process unit would still be required to be

controlled in accordance with § 63.119 of Subpart G. Similarly, the degassing of a storage vessel would not affect the ability of a process vent to meet the requirements of § 63.113 of Subpart G.

9. The HON, at 40 C.F.R. § 63.115(b), provides that to demonstrate that a vent stream flow rate is less than 0.005 standard cubic meter per minute in accordance with the Group 2 process vent definition of this subpart, the owner or operator shall measure flow rate by following the procedures in (b)(1) and (b)(2) of this section.
10. The HON, at 40 C.F.R. § 63.115(b)(2), provides that the gas volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D of 40 C.F.R. Part 60, appendix A, as appropriate.
11. The HON, at 40 C.F.R. § 63.130(f), provides that each owner or operator of a Group 1 or Group 2 transfer rack shall record, update annually, and maintain the information specified in paragraphs (f)(1) through (f)(3) of this section in a readily accessible location on site.
12. The HON, at 40 C.F.R. § 63.144(b), provides that an owner or operator who elects to comply with the requirements of paragraph (a)(1) of this section shall determine the annual average concentration for Table 8 and/or Table 9 compounds according to paragraph (b)(1) of this section for existing sources or paragraph (b)(2) of this section for new sources. The annual average concentration shall be a flow weighted average representative of actual or anticipated operation of the chemical manufacturing process unit generating the wastewater over a designated 12 month period. For flexible operation units, the owner or operator shall consider the anticipated production over the designated 12 month period and include all wastewater streams generated by the process equipment during this period. The owner/operator is not required to determine the concentration of Table 8 or Table 9 compounds that are not reasonably expected to be in the process.
13. The HON, at 40 C.F.R. § 63.137(b), provides that if the owner or operator elects to comply with the requirements of paragraphs (a)(1) or (a)(2) of this section, the fixed roof shall meet the requirements of paragraph (b)(1) of this section, the control device shall meet the requirements of paragraph (b)(2) of this section, and the closed-vent system shall meet the requirements of paragraph (b)(3) of this section.
14. The HON, at 40 C.F.R. § 63.148(a), provides that, except as provided in paragraph (k) of this section, for each vapor collection system, closed-vent system, fixed roof, cover, or enclosure required to comply with this section, the owner or operator shall comply with the requirements of paragraphs (b) through (j) of this section.
15. The HON, at 40 C.F.R. § 63.139(d), provides that except as provided in paragraph (d)(4) of this section, an owner or operator shall demonstrate that each control device or combination of control devices achieves the appropriate conditions specified in paragraph (c) of this section by using one or more of the methods specified in paragraphs (d)(1), (d)(2), or (d)(3) of this section.

16. The HON, at 40 C.F.R. § 63.145(i), sets forth how performance tests must be conducted to demonstrate compliance of a control device with the efficiency limits specified in § 63.139(c). Sources complying with the 95-percent reduction efficiency requirement, must comply with the requirements specified in paragraphs (i)(1) through (i)(9) of this section. Sources complying with the 20 ppm by volume requirement, must comply with the requirements specified in paragraphs (i)(1) through (i)(6) and (i)(9) of this section. The 20 ppm by volume limit or 95-percent reduction efficiency requirement shall be measured as either total organic hazardous air pollutants or as TOC minus methane and ethane.
17. The HON, at 40 C.F.R. § 63.143(e)(1), provides that the owner or operator shall comply with the monitoring requirements specified in Table 13 of Subpart G.
18. The HON, at 40 C.F.R. § 63.144(a)(1), provides that whether a wastewater stream is a Group 1 or Group 2 wastewater stream is to be determined in accordance with paragraphs (b) and (c) of this section.
19. The HON, at 40 C.F.R. § 63.132(g)(1)(ii), provides that notice must be included with the shipment or transport of each Group 1 wastewater stream or residual removed from a Group 1 wastewater stream. The notice shall state that the wastewater stream or residual contains organic hazardous air pollutants that are to be treated in accordance with the provisions of this subpart. When the transport is continuous or ongoing (for example, discharge to a publicly-owned treatment works), the notice shall be submitted to the treatment operator initially and whenever there is a change in the required treatment.
20. The HON, at 40 C.F.R. § 63.148(i)(4), provides that for each inspection during which a leak is detected, a record of the information is to be kept as specified in paragraphs (i)(4)(i) through (i)(4)(viii) of this section shall be made.
21. The HON, at 40 C.F.R. § 63.148(i)(5), provides that for each inspection conducted in accordance with paragraph (c) of this section during which no leaks are detected, a record be kept that the inspection was performed, the date of the inspection, and a statement that no leaks were detected shall be made.
22. The HON, at 40 C.F.R. § 63.146(b)(6), provides that for each residual removed from a Group 1 wastewater stream, the owner or operator shall report the information specified in table 19 of this subpart.
23. The HON, at 40 C.F.R. § 63.148(i)(6), provides that for each visual inspection conducted in accordance with paragraph (b)(1)(ii) or (b)(3)(ii) of this section during which no leaks are detected, a record be kept that the inspection was performed, the date of the inspection, and a statement that no leaks were detected shall be made.
24. The HON, at 40 C.F.R. § 63.105(b), provides that the owner or operator shall prepare a description of maintenance procedures for management of wastewaters generated from the emptying and purging of equipment in the process during temporary shutdowns for

inspections, maintenance, and repair (i.e., a maintenance-turnaround) and during periods which are not shutdowns (i.e., routine maintenance).

25. The HON, at 40 C.F.R. § 63.149(a), provides that the owner or operator shall comply with the provisions of table 35 of this subpart, for each item of equipment meeting all the criteria specified in paragraphs (b) through (d) and either paragraph (e)(1) or (e)(2) of this section.
26. The HON, at 40 C.F.R. § 63.146(b), provides that the owner or operator shall submit the information specified in paragraphs (b)(1) through (b)(9) of this section as part of the Notification of Compliance Status required by §63.152(b) of this subpart.
27. The HON, at 40 C.F.R. § 63.145(c), provides that for performance tests that are conducted to demonstrate compliance of a noncombustion, nonbiological treatment process with the percent mass removal limits specified in §63.138(e) (1) and (2) for Table 8 and/or Table 9 compounds, the owner or operator shall comply with the requirements specified in §63.145 (c)(1) through (c)(6) of this subpart.
28. The HON, at 40 C.F.R. § 63.113(a), provides that the owner or operator of a Group 1 process vent as defined in this subpart shall comply with the requirements of paragraph (a)(1), (2), or (3) of this section. The owner or operator who transfers a gas stream that has the characteristics specified in § 63.107 (b) through (h) or meets the criteria specified in § 63.107(i) to an off-site location or an on-site location not owned or operated by the owner or operator of the source for disposal shall comply with the requirements of paragraph (i) of this section.
29. The HON, at 40 C.F.R. § 63.113(a)(2), requires the owner or operator of a Group 1 process unit to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen, and compliance can be determined by measuring either organic hazardous air pollutants or total organic carbon using the procedures in § 63.116 of Subpart G.
30. The HON, at 40 C.F.R. § 63.137(a), states that for each oil-water separator that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall maintain one of the emission limitations devices identified in (a)(1), (a)(2), or (a)(3) of this section.
31. The HON, at 40 C.F.R. § 63.137(b)(1), provides that that where the owner or operator elects to comply with 40 C.F.R. § 63.137(a) through operation and maintenance of a fixed roof under (a)(1) of this section, the fixed-roof shall meet the following requirements:
  - a. Except as provided in paragraph (b)(4) of this section, the fixed roof and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be

maintained in accordance with the requirements specified in § 63.148 of this subpart.

- b. Each opening shall be maintained in a closed, sealed position (e.g., covered by a lid that is gasketed and latched) at all times that the oil-water separator contains a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream except when it is necessary to use the opening for sampling or removal, or for equipment inspection, maintenance, or repair.
32. The General Provisions, at 40 C.F.R § 63.6(e)(3)(viii), provide that the owner or operator may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this Part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by § 63.10(d)(5). If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator must revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control and monitoring equipment. In the event that the owner or operator makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, or malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this Part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.
  33. Tables 5 and 6 of the Generic MACT, at 40 C.F.R. § 63.1103(d)(3), specify the applicability criteria and standards for existing and new sources within the polycarbonate production source category. The owner or operator must control organic HAP emissions from each affected source emission point by meeting the applicable requirements specified in Tables 5 and 6. Applicability assessment procedures and methods are specified in §§ 63.1104 through 63.1107. An owner or operator of an affected source is not required to perform tests, TRE calculations or other applicability assessment procedures if they opt to comply with the most stringent requirements for an applicable emission point pursuant to Subpart YY. General compliance, recordkeeping, and reporting requirements are specified in §§ 63.1108 through 63.1112. Procedures for approval of alternative means of emission limitations are specified in §63.1113.
  34. The Generic MACT, at 40 C.F.R. § 63.1110(d), provides that the owner or operator shall submit a Notification of Compliance Status for each affected source subject to this

subpart containing the information specified in paragraphs (d)(1)(i) and (d)(1)(ii) of this section.

35. The Generic MACT, at 40 C.F.R. § 63.1103(d)(1)(i), provides that for the polycarbonate production (as defined in paragraph (d)(2) of this section) source category, the affected source shall comprise all emission points, in combination, listed in paragraphs (d)(1)(i)(A) through (D) of this section, that are part of a polycarbonate production process unit located at a major source as defined in section 112(a) of the Act. For purposes of this rule, a polycarbonate production process unit is a unit that produces polycarbonate by interfacial polymerization from bisphenols and phosgene. Phosgene production units that are associated with polycarbonate production process units are considered to be part of the polycarbonate production process. A phosgene production unit consists of the reactor in which phosgene is formed and all equipment (listed in paragraphs (d)(1)(i)(A) through (D) of this section) downstream of the reactor that provides phosgene for the production of polycarbonate. Therefore, for purposes of this rule, such a phosgene production unit is considered to be a polycarbonate production process unit.
36. The Generic MACT for Controls, at 40 C.F.R. § 63.990(b), provides that, except as specified in §63.997(b), the owner or operator shall conduct an initial performance test of any absorber, condenser, or carbon adsorber used as a control device to comply with the provisions of the referencing subpart and Subpart SS according to the procedures in § 63.997. Performance test records shall be kept as specified in § 63.998(a)(2) and a performance test report shall be submitted as specified in § 63.999(a)(2). As provided in § 63.985(b)(1), a design evaluation may be used as an alternative to the performance test for storage vessels and low throughput transfer rack controls. As provided in § 63.986(b), no performance test is required to demonstrate compliance for equipment leaks.
37. The Generic MACT for Controls, at 40 C.F.R. § 63.990(c), provides that where an absorber, condenser, or carbon adsorber is used as a control device, either an organic monitoring device capable of providing a continuous record, or the monitoring devices specified in paragraphs (c)(1) through (3), as applicable, shall be used. Monitoring results shall be recorded as specified in §63.998(b) and (c), as applicable. General requirements for monitoring and continuous parameter monitoring systems are contained in a referencing subpart and §63.996.
38. The PSO, at 40 C.F.R. § 82.13(f), states that every person (“producer”) who produces class I controlled substances during a control period must comply with certain recordkeeping and reporting requirements.
39. The PSO, at 40 C.F.R. § 82.13(f)(1), provides that within 120 days of May 10, 1995, or within 120 days of the date that a person, or “producer,” first produces a class I controlled substance, whichever is later, and within 120 days of July 18, 2003 for class I, Group VIII controlled substances, every producer who has not already done so must submit to the Administrator a report describing:

- a. The method by which the producer in practice measures daily quantities of controlled substances produced;
  - b. Conversion factors by which the daily records as currently maintained can be converted into kilograms of controlled substances produced, including any constants or assumptions used in making those calculations (e.g., tank specifications, ambient temperature or pressure, density of the controlled substance);
  - c. Internal accounting procedures for determining plant-wide production;
  - d. The quantity of any fugitive losses accounted for in the production figures; and
  - e. The estimated percent efficiency of the production process for the controlled substance. Within 60 days of any change in the measurement procedures or the information specified in the above report, the producer must submit a report specifying the revised data or procedures to the Administrator.
40. The PSO, at 40 C.F.R. § 82.13(f)(2), provides that every producer of a class I controlled substance during a control period must maintain the records outlined in (f)(2)(i) through (f)(2)(xix) of this section.
41. The PSO, at 40 C.F.R. § 82.13(f)(3), provides that for each quarter, except as specified below, each producer of a class I controlled substance must provide the Administrator with a report containing the information provided for in (f)(3)(i) through (f)(3)(xviii) of this section.
42. The PSO, at 40 C.F.R. § 82.13(f)(3)(v), provides that the quarterly report under 40 C.F.R. § 82.13(f)(3) must contain the amount of controlled substance sold or transferred during the quarter to a person other than the producer for use in processes resulting in its transformation or eventual destruction.
43. The PSO, at 40 C.F.R. § 82.13(f)(3)(viii), provides that for destruction in the United States or by a person of another Party, the quarterly report under 40 C.F.R. § 82.13(f)(3) must contain one copy of a destruction verification (as under §82.13(k)) for a particular destroyer, destroying the same controlled substance, and a list of additional quantities shipped to that same destroyer for the quarter
44. The PSO, at 40 C.F.R. § 82.13(k), provides that persons who purchase or receive and subsequently destroy controlled class I substances that were originally produced without expending allowances shall provide the producer or importer from whom they purchased or received the controlled substances with a verification that controlled substances will be used in processes that result in their destruction.
45. The PSO, at 40 C.F.R. § 82.4(a)(1), provides that prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2005, for class I, Group VI controlled substances, no person may produce, at any time in any control period, (except

that are transformed or destroyed domestically or by a person of another Party) in excess of the amount of unexpended production allowances or unexpended Article 5 allowances for that substance held by that person under the authority of this subpart at that time for that control period.

46. The PSO, at 40 C.F.R. § 82.3, defines “destruction” as the expiration of a controlled substance to the destruction efficiency actually achieved, unless considered completely destroyed as defined in this section. Such destruction does not result in a commercially useful end product and uses one of the following controlled processes approved by the Parties to the Protocol listed in paragraphs 1 through 7 of this section.
47. The General Provisions, at 40 C.F.R. § 63.4(a)(1), provide that no owner or operator subject to the provisions of this part must operate any affected source in violation of the requirements of this part. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance are not in violation of the requirements of this part. An extension of compliance can be granted by the Administrator under this part; by a State with an approved permit program; or by the President under section 112(i)(4) of the Act.

#### **Facility Information**

48. SABIC owns and operates a chemical plant at its Mt. Vernon, Indiana facility.
49. At the Mt. Vernon facility, SABIC manufactures thermoplastic resins, pellets, and sheets, and is a major source as defined in Section 112(a)(1) of the Clean Air Act.
50. At the Mt. Vernon facility, SABIC has two process units, Phenol and Bisphenol-A, that manufacture a Table 1 chemical in 40 C.F.R. 63 Subpart F. In both process units, Hazardous Air Pollutants (HAPs) are used as a reactant, thus making the facility subject to the HON.
51. At the Mt. Vernon facility, SABIC manufactures a polycarbonate product, by first manufacturing phosgene, using a HAP, thus making the facility subject to the Generic MACT and Generic MACT for Controls.
52. As a by-product from the polycarbonate process unit at the Mt. Vernon facility, carbon tetrachloride is a controlled substance per the list in Appendix A and or B of the PSO regulations, thus making the facility subject to the requirements of the PSO.
53. On June 12 through 22, 2007, EPA Region 5 and EPA’s National Enforcement Investigation Center conducted a multimedia inspection at the Mt. Vernon facility. A component of the multimedia inspection included a compliance evaluation of certain requirements under the Clean Air Act.

## Violations Alleged

54. The Mt. Vernon facility failed to identify the effluent from the API oil/water separator, when used as a recovery device, as a point of determination in the Phenol process unit. This is a violation of 40 C.F.R. § 63.132(a)(1).
55. The Mt. Vernon facility failed to control emissions from the liquid streams routed to the API oil/water separator in the Phenol process unit. This is a violation of 40 C.F.R. §§ 63.149 and 40 C.F.R. 63 Subpart G Table 35.
56. The Mt. Vernon facility failed to provide any documentation in the Notification of Compliance Status report describing how air emission losses and the bias and accuracy of the analytical method were accounted for during the process wastewater sampling of the detox and the dephenate stream. This is a violation of 40 C.F.R. §§ 63.144(b)(3) and 63.132(c).
57. The Mt. Vernon facility failed to properly prepare a written description of maintenance procedures for management of wastewaters generated from the emptying or purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair, as well as during periods which are not shutdown. This is a violation of 40 C.F.R. § 63.105(b).
58. The Mt. Vernon facility failed to identify the following bisphenol-A process unit wastewater streams as points of determination and make a group status determination: V4052, V6050, and V4060. This is a violation of 40 C.F.R. § 63.144(a)(1).
59. The Mt. Vernon facility failed to maintain the proper records for a Group 2 transfer rack used for bisphenol-A tars. This is a violation of 40 C.F.R. § 63.130(f).
60. The Mt. Vernon facility failed to determine the concentration of all Table 9 chemicals that were expected to be in the process for the Glitsch wastewater stream from the bisphenol-A process unit. This is a violation of 40 C.F.R. § 63.144(b).
61. The Mt. Vernon facility failed to provide documentation describing the testing protocol and the means by which any losses of Volatile Organic Compounds (VOCs) during sampling occurred for the Glitsch wastewater stream in the bisphenol-A process unit. This is a violation of 40 C.F.R. § 63.144(b)(3).
62. The Mt. Vernon facility failed to follow the U.S. EPA Method 2A Section 8.3.1 that requires continuous measurement of temperature and pressure along with barometric pressure for testing (dated June 3, 2003) performed on the Glitsch system in the Bisphenol-A process unit. This is a violation of 40 C.F.R. §§ 63.115(b) and 63.115(b)(2).

63. The Mt. Vernon facility failed to identify the vent off the distillation column as a process vent in the polycarbonate manufacturing process unit when off-specification phosgene is manufactured. This is a violation of 40 C.F.R. § 63.1103(d).
64. The Mt. Vernon facility failed to conduct an initial performance test and monitor at each of the condensers used as control devices when off-specification phosgene is manufactured. This is a violation of 40 C.F.R. §§ 63.990(b) and 63.990(c).
65. The Mt. Vernon facility failed to conduct monitoring and inspection events required for containers that receive residuals from a Group 1 wastewater stream. This is a violation of 40 C.F.R. §§ 63.135(b)(2)(ii), 63.148(i)(4), 63.148(i)(5), and 63.148(i)(6).
66. The Mt. Vernon facility failed to identify the neutralizer and 55-gallon drums that receive Group 1 wastewater streams and/or residuals removed from Group 1 wastewater streams in the polycarbonate manufacturing process unit. This is a violation of 40 C.F.R. §§ 63.132(a), 63.133(a), and 63.132(a)(2)(i).
67. The Mt. Vernon facility failed to include a notice for the carbon tetrachloride drums that collect a Group 1 wastewater stream from the polycarbonate manufacturing process. This is a violation of 40 C.F.R. § 63.132(g)(1)(ii).
68. The Mt. Vernon facility failed to report the information specified in Table 19 for residuals removed from Group 1 wastewater streams in the polycarbonate manufacturing process unit. This is a violation of 40 C.F.R. §§ 63.146(b)(6) and 63.146(b).
69. The Mt. Vernon facility failed to comply with the requirements of a waste management unit for the neutralizer vessel in the polycarbonate manufacturing process unit. This is a violation of 40 C.F.R. §§ 63.137(b) and 63.148(a).
70. The Mt. Vernon facility failed to demonstrate compliance with the control requirements for the neutralizer vessel in the polycarbonate manufacturing process unit. This is a violation of 40 C.F.R. §§ 63.139(d) and 63.145(i).
71. The Mt. Vernon facility failed to conduct an initial performance test and continuously monitor for all organic HAPs present in the outlet stream of the EDS control device in the polycarbonate manufacturing process unit. This is a violation of 40 C.F.R. §§ 63.143(e)(1), 63.145(i), and 63.139(d)(2)(vii).
72. The Mt. Vernon facility failed to identify all points of determination when off-specification phosgene is manufactured in the polycarbonate manufacturing process unit. These points include the three condensers that discharge into the C-bullet storage tank. This is a violation of 40 C.F.R. § 63.144(a)(1).

73. The Mt. Vernon facility failed to identify all points of determination in the polycarbonate manufacturing process unit. These points include the discharges from the three scrubbers. This is a violation of 40 C.F.R. § 63.144(a)(1).
74. The Mt. Vernon facility failed to identify the carbon tetrachloride receiver in the polycarbonate process unit as a storage vessel in the Notification of Compliance Status report. This is a violation of 40 C.F.R. § 63.1110(d).
75. The Mt. Vernon facility failed to properly update the Startup, Shutdown, and Malfunction Plan for the H-6060 incinerator for repeated malfunction instances of high winds blowing out the incinerator flame. This is a violation of 40 C.F.R. §§ 63.6(e)(3)(viii) and 63.102(a)(1).
76. The Mt. Vernon facility failed to adequately control the H-6060 incinerator feed, a Group 1 process vent, for the malfunction reported during the period of September 19, 2003 through May 19, 2004. The details of the malfunction indicate that the incinerator was non-operational due to poor maintenance, thus in violation of 40 C.F.R. §§ 63.113(a) and 63.113(a)(2).
77. The Mt. Vernon facility failed to submit a report within 120 days of May 10, 1995, or within 120 days of the date that the producer first produces a class I controlled substance. This is a violation of 40 C.F.R. §§ 82.13(f) and 82.13(f)(1).
78. The Mt. Vernon facility failed to maintain the required records for produces of class I substances. This is a violation of 40 C.F.R. § 82.13(f)(2).
79. The Mt. Vernon facility failed to submit quarterly reports for a producer of a class I controlled substance, including amount of controlled substances sold or transferred and a copy of a destruction verification for a particular destroyer of the substance. This is a violation of 40 C.F.R. §§ 82.13(f)(3), 82.13(f)(3)(v), 82.13(f)(3)(viii), and 82.13(k).
80. The Mt. Vernon facility failed to destroy carbon tetrachloride emissions generated in the polycarbonate process unit during the period when off-specification phosgene is manufactured. The Mt. Vernon facility failed to destroy carbon tetrachloride emissions during normal manufacturing of polycarbonate by routing the effluent of the process unit to the Wastewater Treatment Plant. This is a violation of 40 C.F.R. §§ 82.4(a)(1) and 82.3 ("Destruction").

81. The Mt. Vernon facility operated an affected source in violation of the NESHAP for SOCOMI, Generic MACT and Generic MACT for Controls. This is a violation of 40 C.F.R. § 63.4(a)(1).

Date: 7/17/08

  
Cheryl L. Newton  
Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5-08-IN-18, by Certified Mail, Return Receipt Requested, to:

Millissa Flanagan, EH&S Manager  
SABIC Innovative Plastics  
1 Lexan Lane  
Mt. Vernon, Indiana 47620

I also certify that I sent copies of the Finding of Violation by first class mail to:

Craig Henry, Acting Section Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management  
100 North Senate Avenue/Mail Code 60-02  
Indianapolis, Indiana 46204

on the 18 day of July, 2008.

Tracy Jamison  
Office Automation Clerk  
AECAS, (MI/WI)  
(312) 353-5723

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0185 9549