

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

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www.dec.ny.gov

CERTIFIED - RETURN RECEIPT REQUESTED

7015 0640 0000 2327 0285

October 19, 2015

Dominick Perfetti
SABIC Innovative Plastics US, LLC
1 Noryl Ave
Selkirk, NY 12158

Re: Order of Consent
R4-2015-0818-98

Dear Mr. Perfetti:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$30,000 the civil penalty pursuant to Paragraph I.

Sincerely,



Karen Lavery
Assistant Regional Attorney
Region 4

Enclosure

ec: D. Welsted



Department of
Environmental
Conservation

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Article 19
of the Environmental Conservation
Law of the State of New York and
Title 6 of the Official Compilation
of the Codes, Rules and Regulations
of the State of New York

ORDER ON CONSENT
DEC CASE NO.
R4-2015-0818-98

-by-

SABIC Innovative Plastics US LLC
1 Noryl Ave
Selkirk, New York 12158

Respondent

1. The New York State Department of Environmental Conservation (DEC or Department) is the State agency with jurisdiction over the environmental law and policy of the State pursuant to § 3-0301 of the Environmental Conservation Law (ECL). In particular, DEC is and has been responsible for the protection of air resources of the State pursuant to ECL Article 19 and the rules and regulations promulgated there under.
2. Respondent, SABIC Innovative Plastics US LLC, is a Limited Liability Company of the State of Delaware that owns and operates a plastics manufacturing facility in Selkirk, New York ("facility").
3. Respondent operates the facility pursuant to a 6 NYCRR Part 201-6 Title V permit (#4-0122-00007/00719) that contains general and special conditions ("permit").
4. On July 16, 2015, a Notice of Violation ("NOV") was sent to the Respondent setting forth the violations identified in this Order on Consent for the time periods addressed in annual certifications provided to the Department during Reporting Period 1: 7/1/2012 6:00 AM through 7/1/2013 6:00 AM for Permit ID: 4-0122-00007/00719 Ren:1 Mod:0; and Reporting Period 2: 7/1/2013 6:00AM through 7/1/2014 6:00 AM for Permit ID: 4-0122-00007/00719 Ren:1 Mod:0.
5. This Order resolves all violations set forth in the NOV as attached as Exhibit "A" with the exception of one instance of NOV Item 1.b (DVS Vent) and NOV Item 1.d (IVS Scrubber) which have been removed as violations.

Civil Penalty

6. ECL Section 71-2103 provides that any person who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such person to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than three hundred seventy-five dollars nor more than fifteen thousand dollars for said violation and an additional penalty of not to exceed fifteen thousand dollars for each day during which such violation continues. In the case of a second or any further violation, the liability shall be for a penalty not to exceed twenty-two thousand five hundred dollars for said violation and an additional penalty not to exceed twenty-two thousand five hundred dollars for each day during which such violation continues. In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.

Waiver of Hearing

7. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law, and has consented to the issuing and entering of this Order and agrees to be bound by the terms, provisions and conditions contained herein.

NOW, having considered this matter and being duly advised, it is **ORDERED** that:

I. Civil Penalty

With respect of the aforesaid alleged violations, a civil penalty in the amount of FORTY SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$46,750) of which THIRTY THOUSAND DOLLARS (\$30,000) shall be payable to the New York State Department of Environmental Conservation by money order, or certified check at the time this Order is signed, notarized and returned to the Department.

The balance SIXTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$16,750) shall be suspended so long as Respondent shall comply with the Schedule of Compliance.

Payment of the above penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order.

In the event that Respondent fails to comply with the requirements of this Order the entire suspended portion of the penalty shall become due and payable upon written notice to Respondent without prejudicing the Department from seeking further appropriate penalties for violations of this Order by Respondent.

II. Settlement

Timely payment of the civil penalty called for above and full compliance with the terms and conditions of this Order and Schedule of Compliance is accepted as full settlement of the violations described above.

III. Schedule of Compliance

Respondent shall comply with the attached Schedule of Compliance which is incorporated into the Order on Consent.

IV. Communications

All communications required herein shall be made to: Department -- DEC Region 4 , 1130 North Westcott Road, Schenectady, NY 12306, Attn: Regional Engineer; and Respondent – Dominick Perfetti, SABIC Innovative Plastics US LLC, One Noryl Avenue, Selkirk, New York 12158.

V. Access

Respondent shall allow duly authorized representatives of DEC access to the facility referred to in this Order without prior notice, at such times as may be desirable or necessary in order for DEC to inspect and determine the status of Respondent's compliance with this Order or the ECL. The Department monitor shall have, at his discretion, full and unrestricted access to Respondent's records, and employees to discuss or inquire about all state, federal and Order on Consent compliance matters, and complaints.

VI. Summary Abatement

This Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.

VII. Indemnification

Respondent shall indemnify and hold DEC, New York State, and their representatives and employees harmless for all claims, suits, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, its directors, officers, employees, servants, agents, successors or assigns.

VIII. Entire Agreement; Modification

This Order constitutes the entire agreement of the parties, and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Commissioner or Regional Director of DEC indicating an intent to modify this Order.

IX. Document Review

1. All documents which Respondent must submit pursuant to this Order are subject to Department approval.
2. The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order; and Respondent shall implement them in accordance with their respective schedules and terms, as approved.
3.
 - a. If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within the time frame set forth in that written notification, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.
 - b. After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the revised submission is not approvable as submitted, the Department, at its option, may disapprove it or may approve it on condition that Respondent accept such modifications as may be specified by Department to make it approvable. If Respondent does not accept such modifications, the revised submission will be disapproved. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.
 - c. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary. The Department agrees that any modifications it specifies will be reasonable and consistent with customary engineering standards.

X. Effective Date

The effective date of this Order shall be the date it is signed by the Regional Director.

XI. Termination Date

This Order shall terminate upon the Respondent's compliance with all the terms, conditions and provisions of this Order and Schedule of Compliance.

DATED: *October 19* 2015
Rotterdam, NY

Marc Gerstman
Acting Commissioner
New York State Department of
Environmental Conservation

BY:



Keith Goertz
Regional Director
Region 4

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CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its right to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

SABIC Innovative Plastics US LLC

SIGNED: Michael Walsh

TITLE: Vice President

DATE: October 12, 2015

STATE OF INDIANA)

COUNTY OF Posey) ss.:

On the 12 day of October in the year 2015 before me, the undersigned, a Notary Public in and for the State, personally appeared Michael Walsh personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Lisa Ann Seitz

Notary Public

Qualified in the County of:

My Commission Expires:



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SCHEDULE OF COMPLIANCE

1. Within 60 days of the effective date of this Order, Respondent shall submit to the Department, a list of all remedial measures performed to remedy the violations cited in the NOV (attached as Exhibit "A") so as to operate the sources in a manner compliant with the regulations.
2. Compliance with this Schedule of Compliance shall not be a defense to any future occurrences of the violations cited in this Order.