

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Environmental Quality, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
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www.dec.ny.gov

NOTICE OF VIOLATION

September 24, 2020

via email only

Mr. Scott Dansey
Selkirk General Manager
SABIC Innovative Plastics US, LLC
1 Noryl Avenue
Selkirk, NY 12158
scott.dansey@sabic.com

via email & regular mail

Ms. Elizabeth Miakisz
SABIC Plant Manager
SABIC Innovative Plastics US, LLC
1 Noryl Avenue
Selkirk, NY 12158
elizabeth.miakisz@sabic.com

RE: SABIC Selkirk Facility - September 1, 2020 Styrene Rail Tank Car Incident

Dear Mr. Dansey and Ms. Miakisz:

This Notice of Violation is being issued by the New York State Department of Environmental Conservation (Department) to SABIC Innovative Plastics US, LLC in response to the unauthorized release of styrene vapor on September 1, 2020 at the SABIC Selkirk facility located at 1 Noryl Avenue in the Town of Bethlehem, Albany County.

According to information obtained by the Department in conducting its on-going investigation of this incident, on September 1, 2020, an estimated quantity of 15,825 pounds of styrene vapor was released through the pressure relief valve and manway of a tank car stored at the SABIC Selkirk facility. The tank car was received at the SABIC Selkirk facility on May 26, 2020. However, later that day, SABIC personnel discovered that the tank car had a frozen vent valve plug. Therefore, the tank car was not unloaded and, in accordance with SABIC Standard Operating Procedures (SOPs), was relocated to the facility railyard. The tank car remained in the facility railyard with the load of styrene monomer since the date it was received. During this time, the load of styrene monomer was not stored and monitored in accordance with SABIC SOPs and the Styrene Safety Data Sheet (SDS). SABIC's failure to properly store and monitor the unloaded tank car



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shipment resulted in the unauthorized styrene release which caused odor impacts throughout the nearby community. The styrene release also resulted in the activation of State and Local Emergency Response Teams and the issuance of a shelter-in-place order for the public.

Pursuant to the Environmental Conservation Law of the State of New York (ECL), the Department is responsible for the implementation and enforcement of laws, rules and regulations pertaining to the storage and release to the environment of hazardous substances as set forth in ECL Article 37 and 6 NYCRR Part 597 of Title 6 of New York Codes, Rules and Regulations (6 NYCRR) as well as the laws, rules and regulations pertaining to the prevention and control of air pollution as set forth in ECL Article 19 and 6 NYCRR Parts 211. Pursuant to the following provisions of the ECL and 6 NYCRR:

- a. ECL Section 37-0107, no person shall store or release to the environment substances hazardous to public health, safety or the environment in contravention of rules and regulations promulgated pursuant hereto.
- b. 6 NYCRR Subpart 597.3 Styrene is a listed hazardous substance with a reportable quantity of 1000 pounds.
- c. 6 NYCRR Subpart 597.4, a release of a reportable quantity of a hazardous substance that is not authorized by the Department is prohibited.
- d. ECL Section 19-0305, the commissioner is authorized to enforce the codes, rules and regulations of the Department established in accordance with this ECL Article 19, Air Pollution Control.
- e. 6 NYCRR Subpart 211.1, no person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, without limitation, to any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

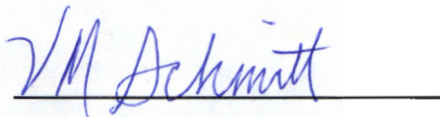
PLEASE TAKE NOTICE that based on rules and regulations cited above, the Department has determined that the September 1, 2020 release of Styrene vapor by SABIC Innovative Plastics US, LLC constitutes a violation of ECL Articles 19 and 37 and 6 NYCRR Parts 211 and 597.

PLEASE TAKE FURTHER NOTICE that the Department is continuing its investigation and reviewing potential enforcement action, including assessment of penalties. Compliance with this notice shall not relieve you of any liability for penalties or other appropriate sanctions for the referenced violations or any other violations.

PLEASE TAKE FURTHER NOTICE that SABIC and its employees, representatives, agents, and any other person or entity under the control of SABIC or its employees, representatives, or agents are hereby directed to immediately preserve all records and

other documents relating to or arising from the September 1, 2020 incident, including but not limited to records and other documents stored in electronic format.

PLEASE TAKE FURTHER NOTICE that you may submit information or evidence to the Department relevant to your compliance record, the nature of the violations, or any proffered mitigating circumstances for consideration by the Department. Any such information or evidence may potentially be used in an administrative enforcement proceeding. In the event that formal enforcement proceedings are initiated, you will have the right to a hearing. You may also request an informal conference to discuss this notice and the events to which it relates. Any inquiries, submissions, and requests relating to this notice should be directed to the New York State Department of Environmental Conservation.



Victoria M. Schmitt, P.E.
Regional Engineer
NYSDEC Region 4