EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1740-AIR-E **TCEQ ID:** RN104392626 **CASE NO.:** 31300

RESPONDENT NAME: INVISTA S.à r.l., LLC

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: INVISTA S.à r.l. Sabine River, 3055 A Farm-to-Market Road 1006, Orange County

TYPE OF OPERATION: Nylon production

SMALL BUSINESS: ___ **Yes** __X__ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2006-1506-MLM-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 2, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, Enforcement Division, Enforcement Section II, MC R-04, (817) 588-5890; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Mr. Adam Kuehn, Beaumont Regional Office, MC R-10, (409) 898-3838
Respondent: Mr. Gregory L. Albert, Site Manager, INVISTA S.à r.l., LLC, P.O. Box 1003, Orange, Texas 77631
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint _X_ Routine ___ Enforcement Follow-up ___ Records Review **Date(s) of Complaints Relating to this Case:** None **Dates of Investigations Relating to this Case:** May 2 and May 22, 2006 **Date of NOE Relating to this Case:** August 22, 2006 (NOE) **Background Facts:** These were routine investigations. Twenty-four violations were documented. **AIR** 1) Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to furnish the Executive Director copies of continuous emissions monitoring system ("CEMS") performance evaluations of the cylinder gas audits ("CGA") of June 23, 2004 and February 15, 2005 within 60 days after the completion of the evaluations [30 TEX. ADMIN. CODE §§ 122.143(4) and 117.419(b), Federal Operating Permit ("FOP") No. O-01350, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to document the daily CEMS calibrations for nitrogen oxides ("NOx") on the No. 4 nitric acid vent stack [30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), FOP No. O-01350, Special Terms and Conditions No. 4A, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failed to furnish the Administrator within 60 days of a performance evaluation two copies of a written report of the results of the performance evaluation [30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), FOP No. O-01350, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $120,666 **Total Deferred:** $24,133 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $48,266 **Total Paid to General Revenue:** $48,267 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a. Began maintaining an emission rate below the maximum allowable emission limit by implementing a calculation methodology and installing low level alarms on December 31, 2004; b. Began monitoring pumps monthly, as specified in the consolidated federal air rule, in the ADN production area on December 31, 2004; c. Installed a cap, blind flange, plug, or a second valve on equipment in VOC service and conducted additional personnel training to ensure proper management of equipment in VOC service on March 31, 2005; d. Conducted additional personnel training on March 31, 2005 and developed and began implementing a comprehensive Environmental Shift Log on December 31, 2006 to ensure that the performance of each NH_3 AVO inspection is properly recorded; e. Posted a permanent and conspicuous label summarizing the operating requirements to minimize emissions on or near the degreaser on March 31, 2005; f. Reported all instances of deviations by March 31, 2005; g. Furnished the Executive Director copies of CEMS performance evaluations of the CGA conducted on June 23, 2004 and February 15, 2005 on April 29, 2005; h. Began conducting opacity observations when the south and north ADN boilers fired liquid fuel for a period greater than or equal to 24 consecutive hours on May 31, 2005; i. Began providing verbal notification of the date of a CEMS performance evaluation at least 15 days prior to such date followed by a written notification of the completion of a performance evaluation to the Executive Director within 15 days after the testing is completed by

5) Failed to install a cap, blind flange, plug, or a second valve on equipment in VOC service [30 TEX. ADMIN. CODE § 116.115(c), and Permit No. 1302, Special Condition No. 5E, Permit No. 1303, Special Condition No. 7E, Permit No. 1790, Special Condition No. 1E, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 6) Failed to operate within the maximum ammonia ("NH_3") concentrations in the scrubber solution [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 1303, Special Condition No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 7) Failed to sample and analyze the NH_3 concentration at least once every 12-hour shift when the absorbers are in operation [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 1303, Special Condition No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 8) Failed to document the performance of each NH_3 audio, olfactory, and visual ("AVO") inspection in the operator's log [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 1303, Special Condition No. 9E, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 9) Failed to conduct opacity observations when the south and north Adiponitrile ("**ADN**") boilers fired liquid fuel for a period greater than or equal to 24 consecutive hours [30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-02075, Special Terms and Conditions No. 4A, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 10) Failed to check the zero and the span on a daily basis on each CEMS analyzer using an automated procedure [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 1468, Special Condition No. 7B, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 11) Failed to provide verbal notification of the date of a CEMS performance evaluation at least 15 days prior to such date followed by a written notification of the completion of a performance evaluation to the Executive Director within 15 days after the testing is completed [30 TEX. ADMIN. CODE §§ 117.319(a)(1) and 117.419(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 12) Failed to maintain an emission rate below the maximum allowable emission limit. Specifically, Tank No. 42 released volatile organic compounds ("VOCs") when the tank internal floating roof was landed on its leg supports on 18 occasions during the reporting period 02/05/2004 through 08/05/2005 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Permit No. 1790, General Condition No. 8, and TEX.		implementing a more standardized approach for scheduling and reporting on July 31, 2005; j. Submitted the semiannual report for the reporting period of February 2005 through July 2005 as required by 40 CFR 60, Subpart VV on August 31, 2005; k. Submitted the RATA of August 19, 2005 on the nitrogen oxides ("NOx") CEMS for the N_2O/NOx abater on October 19, 2005; l. Began conducting annual opacity observations of stationary vents on November 30, 2005; m. Began documenting the daily CEMS calibrations for NOx on the No. 4 nitric acid vent stack on March 31, 2006; n. Furnished the EPA Administrator within 60 days of a performance evaluation two copies of a written report of the results of the performance evaluation on March 31, 2006; o. Began operating within the NH_3 concentrations in the scrubber solution on March 31, 2006; p. Began sampling and analyzing the NH_3 concentration at least once every 12-hour shift when the absorbers are in operation on March 31, 2006; q. Began properly documenting NH_3 leaks found during AVO inspections of the hexamethylene diamine unit on March 31, 2006; r. Repaired two fugitive components (tag Nos. 03920 and 03960) on April 27, 2006; s. Began recording a minimum of 98% of the daily flare observations for the operating flare [EPN PP-3] on April 30, 2006; t. Began maintaining a complete daily loading/unloading record for land-based VOC transfer to and from transport vessels on June 30, 2006; u. Began maintaining an emission rate below the maximum allowable emission limit of 24.0 lbs/hr of VOCs on September 30, 2006; v. Began checking the zero and the span on a daily basis on each CEMS analyzer using an automated procedure on September 30, 2006; and w. Began keeping records of the total solvent makeup on a monthly basis for the degreaser on October 31, 2006.

HEALTH & SAFETY CODE § 382.085(b)].

13) Failed to post a permanent and conspicuous label summarizing the operating requirements to minimize emissions on or near the degreaser [30 TEX. ADMIN. CODE §§ 106.454(1)(E) and 115.412(1)(C), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failed to keep records of the total solvent makeup on a monthly basis for the degreaser [30 TEX. ADMIN. CODE § 106.454(1)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15) Failed to conduct annual opacity observations of stationary vents [30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-01868, Special Terms and Conditions No. 3A(iii), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16) Failed to monitor NOx emissions using a CEMS on the absorber vent [30 TEX. ADMIN. CODE § 117.313(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17) Failed to submit a semiannual report for the reporting period of February 2005 through July 2005 within 30 days after the reporting period as required by 40 CODE OF FEDERAL REGULATIONS ("CFR") 60, Subpart VV [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(1)(C), FOP No. O-01868, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

18) Failed to submit a copy of a CEMS performance evaluation within 60 days following the evaluation. Specifically, the Relative Accuracy Test Audit ("RATA") of August 19, 2005 on the NOx CEMS for the N_2O/NOx abater was submitted late [30 TEX. ADMIN. CODE §§ 117.319(a)(2) and 122.143(4), FOP No. O-01868, Special Terms and Conditions No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

19) Failed to record a minimum of 98% of the daily flare observations for the operating flare emission point number ("EPN") PP-3 [30 TEX. ADMIN. CODE § 111.111(a)(4)(A)(ii) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

20) Failed to maintain a complete daily loading/unloading record for land-based VOC transfer to and from transport vessels [30 TEX. ADMIN. CODE § 115.216(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

21) Failed to monitor pumps monthly, as specified in the consolidated federal air rule, in the ADN production area [30 TEX. ADMIN. CODE § 113.3050 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Ordering Provisions:

2) The order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)

3) The Order will also require the Respondent to:

a. Within 180 days after the effective date of this Agreed Order, begin monitoring NOx emissions on the absorber vent using a CEMS or alternate approved monitoring device; and

b. Within 185 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a.

22) Failed to repair two fugitive components (tag Nos. 03920 and 03960) no later than 15 calendar days after the leaks were found [30 TEX. ADMIN. CODE §§ 113.3050, 115.352(2) and 116.115(c), Permit No. 1302, Special Condition No.5H, and 30 TEX. HEALTH & SAFETY CODE § 382.085(b)]. 23) Failed to properly document NH_3 leaks found during AVO inspections of the hexamethylene diamine unit [30 TEX. ADMIN. CODE § 116.115(c), Permit No.1303, Special Condition No. 9E, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 24) Failed to maintain an emission rate below the maximum allowable emission limit of 24.0 pounds per hour ("lbs/hr") of VOCs. Specifically, on 02/13-18/2006, 46.2 lbs/hr of 1,3-butadiene were released in the first hour with a total of 280 pounds of 1,3-butadiene being released in the 111 hour period [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and 116.115(c), Permit No.1302, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Attachment A
Docket Number: 2006-1740-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**INVISTA S.à r.l., LLC**
Payable Penalty Amount:	**Ninety-Six Thousand Five Hundred Thirty-Three Dollars ($96,533)**
SEP Amount:	**Forty-Eight Thousand Two Hundred Sixty-Six Dollars ($48,266)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Jefferson County-Southeast Texas Regional Air Monitoring Network**
Location of SEP:	**Jefferson County**

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 Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

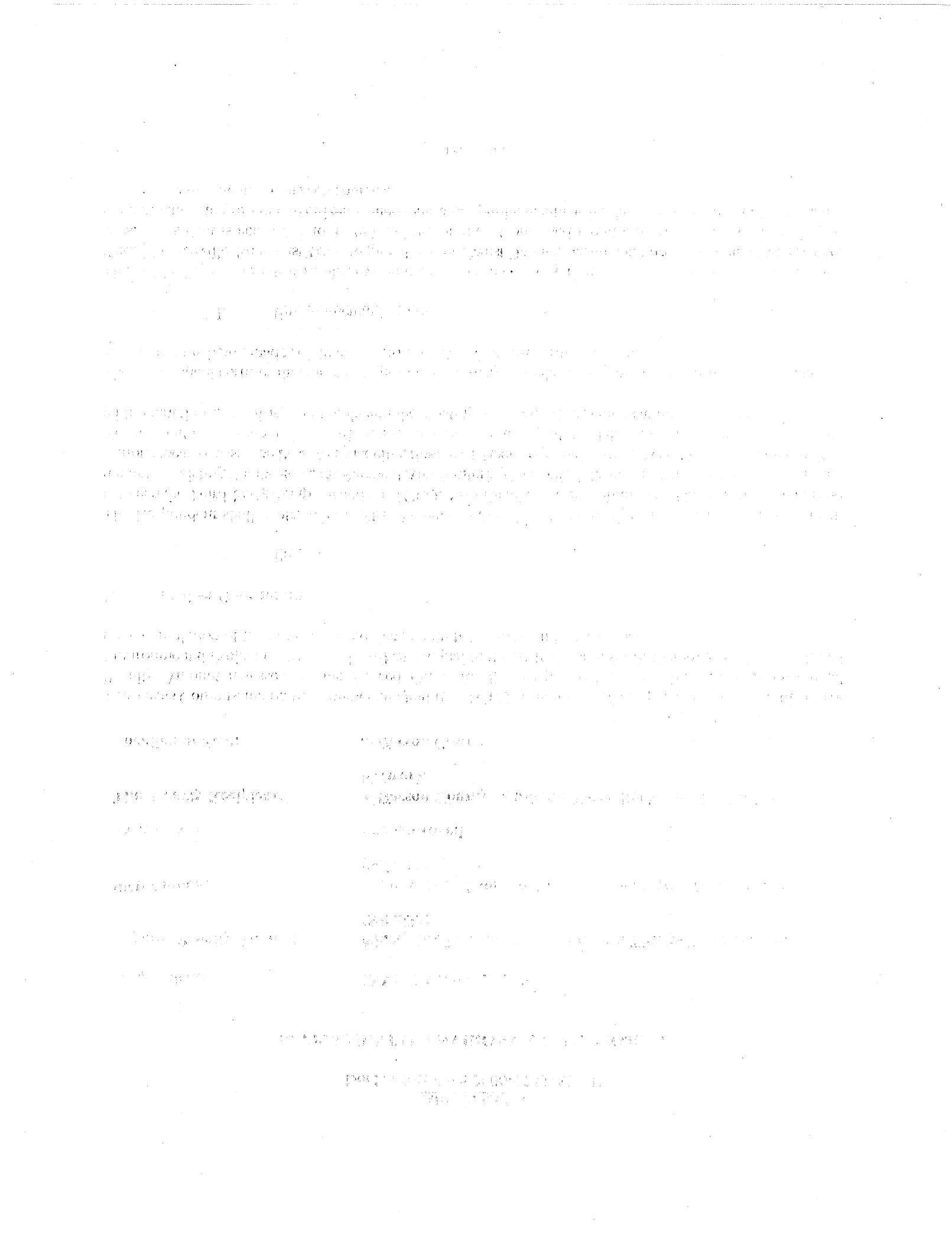
A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to maintain and repair the existing Southeast Texas Regional Air Monitoring Network. The network includes seven monitoring stations located at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. SEP monies will be used to pay for the labor and materials costs associated with maintaining, repairing, and replacing the existing air monitoring stations at the seven sites.

The Respondent certifies that there is no prior commitment to make a contribution to this project and that this contribution is being made solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by measuring ozone and nitrogen oxide at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. This data is accessible to TCEQ and the public. Continued monitoring will help TCEQ and local government better respond to citizen's questions about public health as it relates to air quality and will enable TCEQ to better identify emission sources.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Ron Walker
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 identified in this Agreed Order has not been, and shall not be, included as an 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 2 (September 2002) — *PCW Revision April 25, 2006*

TCEQ

DATES						
Assigned	28-Aug-2006					
PCW	11-Jan-2007	Screening	11-Sep-2006	EPA Due	19-May-2007	

RESPONDENT/FACILITY INFORMATION

Respondent	INVISTA S.à r.l., LLC		
Reg. Ent. Ref. No.	RN104392626		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	31300	No. of Violations	23
Docket No.	2006-1740-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jorge Ibarra, P.E.
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $101,400

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 19% Enhancement — *Subtotals 2, 3, & 7*: $19,266

Notes: The respondent was issued one NOV without same/similar violations and a 1660 Agreed Order. The penalty was also adjusted due to three Notices of Intent submitted on June 24, 2004, May 25, 2005 and May 9, 2006.

Culpability — No — 0% Enhancement — *Subtotal 4*: $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

Notes: The respondent does not meet the good faith criteria.

Economic Benefit — 0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$14,369
Approx. Cost of Compliance	$97,800

SUM OF SUBTOTALS 1-7 — Final Subtotal: $120,666

OTHER FACTORS AS JUSTICE MAY REQUIRE — Adjustment: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount: $120,666

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty: $120,666

DEFERRAL — 20% Reduction — Adjustment: -$24,133

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: $96,533

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Respondent INVISTA S.à r.l., LLC *Policy Revision 2 (September 2002)*

Case ID No. 31300 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> **Compliance History *Site* Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)*	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 *(number of audits for which notices were*	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		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) **19%**

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

No ***Adjustment Percentage (Subtotal 3)*** **0%**

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

Average Performer ***Adjustment Percentage (Subtotal 7)*** **0%**

>> **Compliance History Summary**

Compliance History Notes

The respondent was issued one NOV without same/similar violations and a 1660 Agreed Order. The penalty was also adjusted due to three Notices of Intent submitted on June 24, 2004, May 25, 2005 and May 9, 2006.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **19%**

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to report all instances of deviations. Specifically, deviation report ("DR") for Federal Operating Permit ("FOP") No. O-01350 did not report five deviations for the period of 02/22/04 through 08/22/04, one deviation for the period of 08/23/04 through 02/22/05, and three deviations for the period of 02/23/05 through 08/22/05; DRs for FOP No. O-01996 did not report four deviations for the period of 02/05/04 through 08/05/04, ninety-three deviations for the period of 08/06/04 through 02/04/05, and six deviations for the period of 02/05/05 through 08/05/05; DRs for FOP No. O-02075 did not report one deviation for the period of 12/23/04 through 06/22/05, and nine deviations for the period of 06/23/05 through 12/22/05; DRs for FOP No. O-01868 did not report thirty-two deviations for the period of 02/05/04 through 08/04/04, nine deviations for the period of 08/05/04 through 02/04/05, and three deviations for the period of 02/05/05 through 08/04/05. All of the omitted instances of deviations were reported on the subsequent semi-annual DR.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

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

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 11 — 668 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,100

Eleven single events are recommended, one for each DR period.

Economic Benefit (EB) for this violation

Estimated EB Amount $288

Statutory Limit Test

Violation Final Penalty Total $1,309

This violation Final Assessed Penalty (adjusted for limits) $1,309

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,000	05-Feb-2004	31-Mar-2005	1.2	$288	n/a	$288
Notes for DELAYED costs	Estimated cost to submit complete and accurate DRs. Date Required is the date first reports were due; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $5,000

TOTAL $288

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 117.419(b) and 122.143(4) and FOP No. O-01350, General Terms Conditions
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to furnish the Executive Director copies of continuous emissions monitoring system ("CEMS") performance evaluations within 60 days after the completion of the evaluations. Specifically, copies of the cylinder gas audits ("CGA") conducted on June 23, 2004 and February 15, 2005 were not submitted until April 29, 2005.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

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

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 2 — 810 Number of violation days

mark only one use a small x:

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Two single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $34

Statutory Limit Test

Violation Final Penalty Total $238

This violation Final Assessed Penalty (adjusted for limits) $238

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	23-Aug-2004	29-Apr-2005	0.7	$34	n/a	$34
Notes for DELAYED costs	Estimated cost to to furnish the Executive Director copies of CEMS performance evaluations as required. Date Required is the date first report was due; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $34

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Respondent INVISTA S.à r.l., LLC *Policy Revision 2 (September 2002)*

Case ID No. 31300 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1) and 122.143(4) and FOP No. O-01350, Special Terms and Conditions No. 4A.
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to document the daily CEMS calibrations for nitrogen oxide ("NOx") on the No. 4 nitric acid vent stack on three occasions. Specifically, records were not made for the calibrations conducted on 10/25-28/2005, 11/7-9/2005, and 12/05-12/2005.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR **Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Less than 30% of the rule requirement was not met (15 out of 365 days).

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events **15** **15** Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,500

Fifteen single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,050

Statutory Limit Test

Violation Final Penalty Total $1,785

This violation Final Assessed Penalty (adjusted for limits) $1,785

Economic Benefit Worksheet

Respondent: INVISTA S.à r.l., LLC
Case ID No.: 31300
Reg. Ent. Reference No.: RN104392626
Media [Statute]: Air Quality
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)	$1,000	25-Oct-2005	31-Mar-2006	1.0	$50	$1,000	$1,050
Notes for AVOIDED costs	Estimated cost to to document the daily CEMS calibrations. Date Required is the date the first calibration was missed; Final Date is the date of compliance.						

Approx. Cost of Compliance: $1,000

TOTAL: $1,050

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1) and 122.143(4) and FOP No. O-01350, General Terms and Conditions
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to furnish the Adminisrator within 60 days of a performance evaluation two copies of a written report of the results of the performance evaluation. Specifically, only one copy of the CGAs and the Relative Accuracy Test Audits ("RATAs") was submitted to the EPA .

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes: Less than 70% of the rule requirement was met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1 — 810 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single events is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $22

Statutory Limit Test

Violation Final Penalty Total $1,190

This violation Final Assessed Penalty (adjusted for limits) $1,190

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	22-Oct-2005	31-Mar-2006	0.4	$22	n/a	$22

Notes for DELAYED costs: Estimated cost to furnish the EPA Administrator within 60 days of a performance evaluation two copies of a written report of the results of the performance evaluation. Date Required is the date first reports were due; Final Date is the date of compliance.

Avoided Costs (ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs))							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL $22

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 5

Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Permit No. 1302, Special Condition No. 5E, Permit No. 1303, Special Condition No. 7E, and Permit No. 1790, Special Condition No. 1E
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to install a cap, blind flange, plug, or a second valve on equipment in volatile organic compound ("VOC") service. Specifically, 195 open ended lines were reported from 08/06/2004 through 02/04/2006 and 15 open ended lines were documented on 05/23-31/06, 210 total open ended lines.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to cap or plug open ended lines resulted in the release of insignificant amounts of pollutants (1.75 tpy of VOCs) which would not exceed levels that are protective of human health or the environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 7 638 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $17,500

Seven quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $682

Statutory Limit Test

Violation Final Penalty Total $20,825

This violation Final Assessed Penalty (adjusted for limits) $20,825

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$21,000	06-Aug-2004	31-Mar-2005	0.6	$682	n/a	$682
Notes for DELAYED costs	Estimated cost to cap or plug open ended lines in VOC service. Date Required is the date of the first occurrence; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $21,000

TOTAL $682

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Respondent INVISTA S.à r.l., LLC *Policy Revision 2 (September 2002)*

Case ID No. 31300 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 6

Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Permit No. 1303, Special Condition No. 2
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to operate within the maximum allowable limit for ammonia ("NH3") concentrations in the scrubber solution. Specifically, on 03/02-03/2005, 04/07-08/2005, and 10/28/2005 the Low-Pressure Absorber exceeded the maximum NH3 concentrations.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to operate within the maximum NH3 concentrations in the scrubber solution resulted in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 2 — 5 Number of violation days

mark only one use a small x:

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $27

Statutory Limit Test

Violation Final Penalty Total $5,950

This violation Final Assessed Penalty (adjusted for limits) $5,950

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$500	02-Mar-2005	31-Mar-2006	1.1	$27	n/a	$27
Notes for DELAYED costs	Estimated cost to operate within the maximum NH3 concentrations in the scrubber solution. Date Required is the date of the first occurrence; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL $27

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 7

Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Permit No. 1303, Special Condition No. 3
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to sample and analyze the NH3 concentration at least once every 12-hour shift when the absorbers are in operation. Specifically, on 06/04/2005, 08/07-08/2005, 11/12-13/2205, 12/10/2005, and 01/05-06/2006 NH3 concentrations from the low pressure absorber were not sampled and analyzed. Also, on 08/07-08/2005 NH3 concentration from the No. 1 vent scrubber was not sampled and analyzed.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to sample and analyze the NH3 concentrations at least once every 12-hour shift when the absorbers are in operation could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 6 — 6 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $6,000

Six single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $25

Statutory Limit Test

Violation Final Penalty Total $7,140

This violation Final Assessed Penalty (adjusted for limits) $7,140

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$600	04-Jun-2005	31-Mar-2006	0.8	$25	n/a	$25
Notes for DELAYED costs	Estimated cost to sample and analyze the NH3 concentrations at least once every 12-hour shift when the absorbers are in operation. Date Required is the date first sample was due; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $600

TOTAL $25

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 8

Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Permit No. 1303, Special Condition No. 9E
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to document the performance of each NH3 audio, olfactory, and visual ("AVO") inspection in the operator's log. Specifically, on 10/13/2005, 01/01/2006, and 01/09/2006 performance of the 12-hour shift NH3 AVO inspections was not recorded.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release \ Harm	Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

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

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 3 — 3 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $300

Three single events are recommended (one event for each 12 hour shift).

Economic Benefit (EB) for this violation

Estimated EB Amount $18

Statutory Limit Test

Violation Final Penalty Total $357

This violation Final Assessed Penalty (adjusted for limits) $357

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$300	13-Oct-2005	31-Dec-2006	1.2	$18	n/a	$18
Notes for DELAYED costs	Estimated cost to document the performance of each NH3 AVO inspection in the operator's log. Date Required is the date the first inspection was not logged; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $300

TOTAL $18

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number	9
Primary Rule Cite(s)	30 Tex. Admin. Code § 122.143(4) and FOP No. O-02075, Special Terms and Conditions No. 4A
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to conduct opacity observations when the south and the north Adiponitrile ("ADN") boilers fired liquid fuel for a period greater than or equal to 24 consecutive hours. Specifically a total of 17 opacity observations were not conducted during the deviation reporting periods of 12/23/2004 through 06/22/2005 and 06/23/05 through 12/22/2005.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to conduct opacity observations could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 17 — 17 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $17,000

Seventeen single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $65

Statutory Limit Test

Violation Final Penalty Total $20,230

This violation Final Assessed Penalty (adjusted for limits) $20,230

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$3,000	23-Dec-2004	31-May-2005	0.4	$65	n/a	$65
Notes for DELAYED costs	Estimated cost to conduct opacity observations. Date Required is the date first opacity observation was missed; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $3,000

TOTAL $65

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Respondent INVISTA S.à r.l., LLC *Policy Revision 2 (September 2002)*

Case ID No. 31300 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 10

Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Permit No. 1468, Special Condition No. 7B
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to check the zero and span on a daily basis on each CEMS analyzer using an automated procedure. Specifically, the zero and span were not checked for the CEMS for the south ADN boiler on 06/16/2005.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to check the zero and span on a daily basis on each CEMS could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single events is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $16

Statutory Limit Test

Violation Final Penalty Total $1,190

This violation Final Assessed Penalty (adjusted for limits) $1,190

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$200	27-Feb-2005	30-Sep-2006	1.6	$16	n/a	$16
Notes for DELAYED costs	Estimated cost to check the zero and span on a daily basis on each CEMS. Date Required is the first day the CEMS was not checked; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $200

TOTAL $16

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 11

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 117.319(a)(1) and 117.419(a)(1)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to provide verbal notification of the date of a CEMS performance evaluation at least 15 days prior to such date followed by a written notification of the completion of a performance evaluation to the Executive Director within 15 days after the testing is completed. Specifically, notifications of performance evaluations were not provided as follows: CGA of 06/15/2004 (prior and after); RATA of 09/24/2004 (prior and after); CGA of 12/07/2004 (prior and after); and CGA of 12/06/2005 (after).

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 25%

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

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 7 — 7 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $17,500

Seven single events are recommended (one event for each missing notification).

Economic Benefit (EB) for this violation

Estimated EB Amount $39

Statutory Limit Test

Violation Final Penalty Total $20,825

This violation Final Assessed Penalty (adjusted for limits) $20,825

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$700	15-Jun-2004	31-Jul-2005	1.1	$39	n/a	$39
Notes for DELAYED costs	Estimated cost to provide the required notifications. Date Required is the date first notification was due; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $700

TOTAL $39

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Respondent INVISTA S.à r.l., LLC *Policy Revision 2 (September 2002)*

Case ID No. 31300 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 12

Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and Permit No. 1790, General Condition No. 8
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to maintain an emission rate below the maximum allowable emission limit of 0.05 pounds per hour of VOCs from methanol Tank No. 42. Specifically, eighteen events were reported on the DRs for the periods of 02/05/2004 through 08/04/2004, 08/05/2004 through 02/05/2005, and 02/06/2005 through 08/05/2005 when Tank No.42 released VOCs when the tank internal floating roof was landed on its leg supports. See attached Table.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to maintain an emission rate below the maximum allowable emission limit resulted in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 3 — 18 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $407

Statutory Limit Test

Violation Final Penalty Total $8,925

This violation Final Assessed Penalty (adjusted for limits) $8,925

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$9,000	05-Feb-2004	31-Dec-2004	0.9	$407	n/a	$407
Notes for DELAYED costs	Estimated cost to maintain an emission rate below the maximum allowable emission limit. Date Required is the date of the first event; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $9,000

TOTAL $407

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 13

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 106.454(1) (A) and (E) and 115.412(1)(C)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to post a permanent and conspicuous label summarizing the operating requirements to minimize emissions on or near the degreaser. Specifically, the solvent degreaser in the Adipic Acid Unit did not have the required label. Failure to keep records of the total solvent makeup on a monthly basis for the degreaser. Specifically, no records were being maintained for the solvent degreaser in the Adipic Acid Unit.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes: Less than 70% of the rule requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 2

2 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $22

Statutory Limit Test

Violation Final Penalty Total $2,380

This violation Final Assessed Penalty (adjusted for limits) $2,380

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$200	05-Aug-2004	31-Oct-2006	2.2	$22	n/a	$22
Notes for DELAYED costs	Estimated cost to post the required label on or near the degreaser and to keep records of the total solvent makeup on a monthly basis for the degreaser. Date Required is the date the label was noted missing; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $200

TOTAL $22

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Respondent INVISTA S.à r.l., LLC *Policy Revision 2 (September 2002)*

Case ID No. 31300 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 14

Primary Rule Cite(s)	30 Tex. Admin. Code § 122.143(4) and FOP No. O-01868, Special Terms and Conditions No. 3A(iii)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to conduct annual opacity observations of stationary vents. Specifically, annual opacity observations were not conducted on the diesel fired engines and the Adipic Acid Cooling Tower.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to conduct annual opacity observations of stationary vents could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 2 — 2 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,000

Two single events are recommended (one for each annual period).

Economic Benefit (EB) for this violation

Estimated EB Amount $13

Statutory Limit Test

Violation Final Penalty Total $2,380

This violation Final Assessed Penalty (adjusted for limits) $2,380

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$200	06-Aug-2004	30-Nov-2005	1.3	$13	n/a	$13
Notes for DELAYED costs	Estimated cost to conduct annual opacity observations of stationary vents. Date Required is the date first observation was due; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $200

TOTAL $13

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 15

Primary Rule Cite(s)	30 Tex. Admin. Code § 117.313(a)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to monitor NOx emissions using a CEMS on the absorber vent. Specifically, emissions from the N2O/NOx Abater were routed to the absorber vent, which is not equipped with a NOx CEMS, on 02/07/2005 - 08/03/2005, 08/06/2005 - 12/31/2005, and 01/01/2006 - 02/05/2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to monitor NOx emissions using a CEMS could result in the release of significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 5 — 364 Number of violation days

mark only one, use a small x:

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $12,500

Five quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $10,145

Statutory Limit Test

Violation Final Penalty Total $14,875

This violation Final Assessed Penalty (adjusted for limits) $14,875

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$50,000	07-Feb-2005	01-Jan-2008	2.9	$483	$9,662	$10,145
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to install a CEMS on the bypass absorber vent. Date Required is the date of the first event; Final Date is the expected date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $50,000

TOTAL $10,145

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 16

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(1)(C) and FOP No. O-01868, General Terms and Conditions
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to submit a semiannual report within 30 days after the reporting period. Specifically, the New Source Performance Standard ("NSPS") 40 Code of Federal Regulations ("CFR") 60, Subpart VV semiannual report for the period of 02/2005 through 07/2005 was postmarked 09/01/2005, 32 days after the reporting period.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

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

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1 — 2 Number of violation days

mark only one, use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $119

This violation Final Assessed Penalty (adjusted for limits) $119

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$200	30-Aug-2005	31-Aug-2005	0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to timely submit the required semiannual report. Date Required is the date the report was due; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $200

TOTAL $0

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number	17
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 117.319(a)(2) and 122.143(4), and FOP No. O-01868, Special Terms and Conditions No. 1A
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to submit a copy of a CEMS performance evaluation within 60 days following the evaluation. Specifically, the RATA conducted on 08/19/2005 on the NOx CEMS for the N2O/NOx abater was not submitted until 10/19/2005, 61 days after the RATA.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

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

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1 — 1 Number of violation days

mark only one / use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $119

This violation Final Assessed Penalty (adjusted for limits) $119

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$100	18-Oct-2005	19-Oct-2005	0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to timely submit the required report. Date Required is the date the report was due; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $100

TOTAL $0

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number	18
Primary Rule Cite(s)	30 Tex. Admin. Code § 111.111(a)(4)(A)(ii)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to record a minimum of 98% of the daily flare observations for the operating flare [emission point number ("EPN") PP-3]. Specifically, no daily notation was provided in the flare operating log for 03/27/2005, 04/24/2005, 04/28/2005, 05/05/2005, 05/07/2005, 06/06/2005, 06/14/2005, 07/04/2005, and 11/17/2005. Also, failed to provide the time of day on 02/15/2005 in the flare operating log. Therefore, notations in the flare operating log were made for 355 out of 365 days in 2005, 97.3%.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

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

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1 — 10 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $220

Statutory Limit Test

Violation Final Penalty Total $119

This violation Final Assessed Penalty (adjusted for limits) $119

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)	$200	27-Mar-2005	30-Apr-2006	2.0	$20	$200	$220
Notes for AVOIDED costs	Estimated cost to conduct the required flare observations. Date Required is the date the first observation was missed; Final Date is the date of compliance.						

Approx. Cost of Compliance: $200

TOTAL $220

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number	19
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.216(3)(A)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to maintain a complete daily loading/unloading record for land-based VOC transfer to and from transport vessels. Specifically, 10 loading/unloading records were incomplete.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Less than 30% of the rule requirement was not met (10 out of 365 records were incomplete).

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 10 — 6 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

Ten single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $110

Statutory Limit Test

Violation Final Penalty Total $1,190

This violation Final Assessed Penalty (adjusted for limits) $1,190

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 19

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)	$100	24-May-2005	30-Jun-2006	2.0	$10	$100	$110
Notes for AVOIDED costs	Estimated cost to properly maintain records. Date Required is the date of the first missing record; Final Date is the date of compliance.						

Approx. Cost of Compliance $100

TOTAL $110

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 20

Primary Rule Cite(s) 30 Tex. Admin. Code § 113.3050

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to monitor pumps monthly, as specified in the consolidated federal air rule, in the ADN production area. Specifically, in November 2004, 19 pumps in the promoter area and 31 pumps in the nitrile area of the ADN production area were not monitored.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to monitor monthly pumps could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

30 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,050

Statutory Limit Test

Violation Final Penalty Total $1,190

This violation Final Assessed Penalty (adjusted for limits) $1,190

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)	$1,000	01-Nov-2004	31-Dec-2004	1.0	$50	$1,000	$1,050
Notes for AVOIDED costs	Estimated cost to monitor monthly pumps in the ADN production area. Date Required is the first day monitoring was missed; Final Date is the date of compliance.						

Approx. Cost of Compliance $1,000

TOTAL $1,050

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 21

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 113.3050, 115.352(2) and 116.115(c) and Permit No. 1302, Special Condition No. 5H
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to repair two fugitive components no later than 15 calendar days after the leaks were found. Specifically, two leaking butadiene molecular sieve valves (tag Nos. 03920 and 03960) were documented on March 20, 2006 and not repaired until April 27, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to repair two fugitive components no later than 15 calendar days after the leaks were found resulted in the release of insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 1 — 38 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $2,975

This violation Final Assessed Penalty (adjusted for limits) $2,975

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 21

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$500	20-Mar-2006	27-Apr-2006	0.1	$0	$3	$4
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to repair two fugitive components no later than 15 calendar days after the leaks were found. Date Required is the date the leaking components were detected; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $500

TOTAL $4

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Respondent INVISTA S.à r.l., LLC *Policy Revision 2 (September 2002)*

Case ID No. 31300 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 22

Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Permit No. 1303, Special Condition No. 9E
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to properly document NH3 leaks found during AVO inspections of the unit. Specifically, on 06/18/2005 and 08/01/2005 leaks were detected at the hexamethylene diamine ("HMD") production unit but concentrations and repair information were not documented.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes: Less than 70% of the rule requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 2 — 2 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $20

Statutory Limit Test

Violation Final Penalty Total $2,380

This violation Final Assessed Penalty (adjusted for limits) $2,380

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 22

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$500	18-Jun-2005	31-Mar-2006	0.8	$20	n/a	$20
Notes for DELAYED costs	Estimated cost to properly document NH3 leaks found during AVO inspections. Date Required is the date first leak was detected; Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $500

TOTAL $20

Screening Date 11-Sep-2006 **Docket No.** 2006-1740-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 25, 2006

Respondent INVISTA S.à r.l., LLC

Case ID No. 31300

Reg. Ent. Reference No. RN104392626

Media [Statute] Air Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 23

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 116.115(c) and Permit No. 1302, Special Condition No. 1
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to maintain an emission rate below the maximum allowable emission limit of 24.0 pounds per hour ("lbs/hr") for VOCs from the Operating Flare (EPN PP-3). Specifically, on 02/13-18/2006, 46.2 lbs/hr of 1,3-butadiene were released in the first hour with a total of 280 pounds of 1,3-butadiene being released in the 111 hour period. Since these emissions could have been foreseen and avoided by good design, operation and maintenance practices, the respondent failed to meet the demonstrations for an affirmative defense in 30 TAC § 101.222(b).

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

	Harm		
Release	Major	Moderate	Minor
OR Actual			x
Potential			

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1 — 6 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $44

Statutory Limit Test

Violation Final Penalty Total $2,975

This violation Final Assessed Penalty (adjusted for limits) $2,975

Economic Benefit Worksheet

Respondent INVISTA S.à r.l., LLC
Case ID No. 31300
Reg. Ent. Reference No. RN104392626
Media [Statute] Air Quality
Violation No. 23

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,000	13-Feb-2006	30-Sep-2006	0.6	$2	$42	$44
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to properly abate the unauthorized emissions by implementing additional control procedures during planned unit outages. Date Required is the first day of the emission event; Final Date is the compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $1,000

TOTAL $44

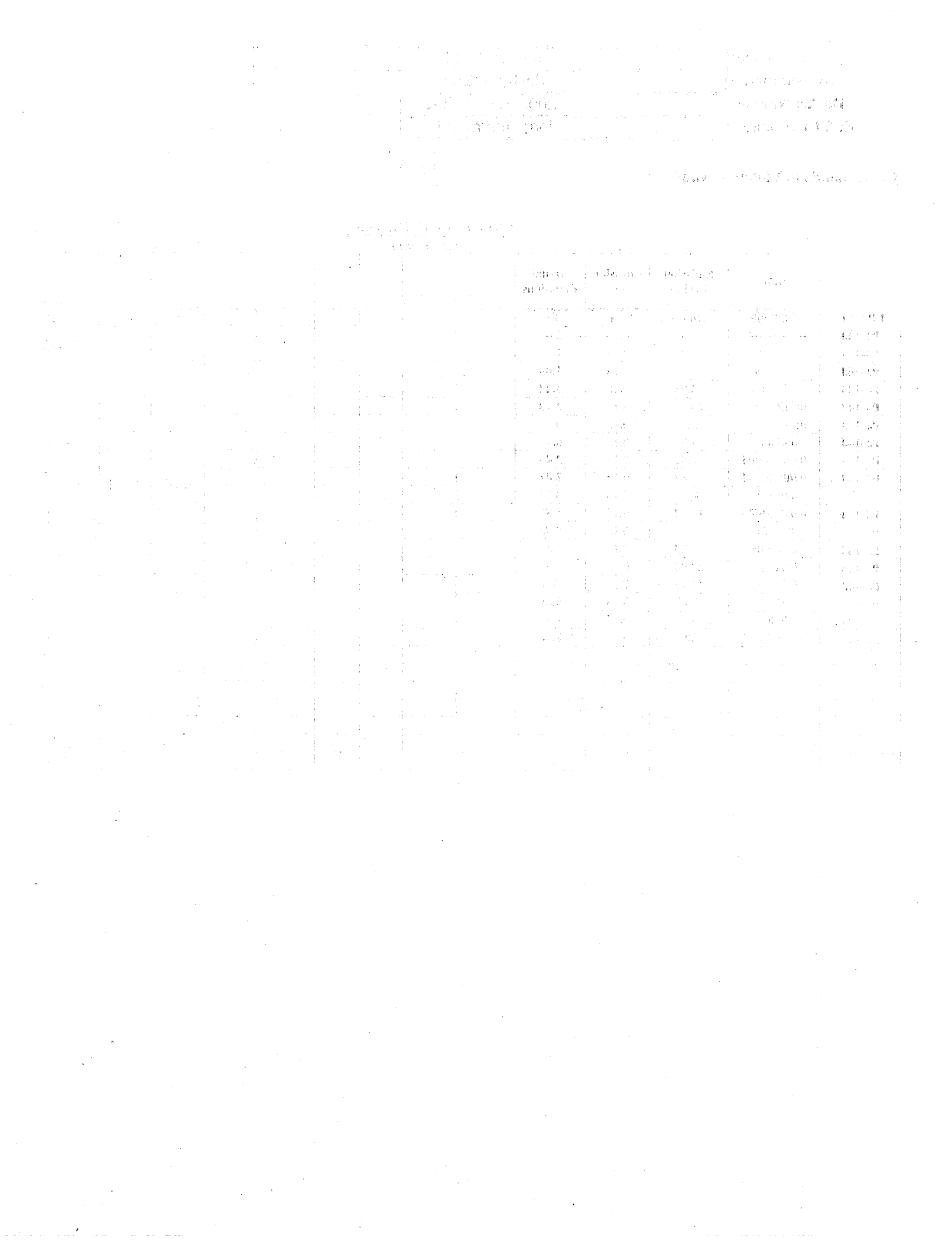
Respondent	Invista S.a.r.l.
ID Number(s)	RN104392626
Docket Number	2006-1740-AIR-E
Enf. Coordinator	Jorge Ibarra, P.E.

Corresponds to Violation Number: 12

EMISSION PARAMETER

Emission Units

EPN No.	Date 00/00/00	Emission Period Hours	Emission Rate lbs/hr	Actual Emissions lbs									
PJ-14J	05/05-06/04	17.85	0.15	2.68									
PJ-14J	05/17-18/04	10.75	0.15	1.61									
PJ-14J	05/23/04	7.27	0.15	1.09									
PJ-14J	05/29-30/04	22.93	0.15	3.44									
PJ-14J	06/13-14/04	14.55	0.15	2.18									
PJ-14J	06/19-20/04	4.58	0.15	0.69									
PJ-14J	06/26/04	4.9	0.15	0.74									
PJ-14J	07/01-02/04	16.42	0.15	2.46									
PJ-14J	07/06-07/04	16.08	0.15	2.41									
PJ-14J	07/12/04	4.95	0.15	0.74									
PJ-14J	07/17-19/04	12.32	0.15	1.85									
PJ-14J	08/04/04	5.88	0.15	0.88									
PJ-14J	08/09/04	10.23	0.15	1.54									
PJ-14J	08/10/04	23.98	0.15	3.6									
PJ-14J	08/11/04	23.98	0.15	3.6									
PJ-14J	08/15/04	4.05	0.15	0.61									
PJ-14J	08/20/04	13.25	0.15	1.99									
PJ-14J	02/22-23/04	5.05	0.15	0.76									



Compliance History

Customer/Respondent/Owner-Operator: CN602582231 INVISTA S.à .r.l., LLC Classification: AVERAGE Rating: 1.76

Regulated Entity: RN104392626 INVISTA S.À R.L SABINE RIVER Classification: AVERAGE Site Rating: 1.00

ID Number(s):

AIR NEW SOURCE PERMITS	REGISTRATION	76134
AIR NEW SOURCE PERMITS	REGISTRATION	76385
AIR NEW SOURCE PERMITS	REGISTRATION	76023
AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	REGISTRATION	75994
AIR NEW SOURCE PERMITS	PERMIT	1468
AIR NEW SOURCE PERMITS	PERMIT	1302
AIR NEW SOURCE PERMITS	PERMIT	1302A
AIR NEW SOURCE PERMITS	PERMIT	1302B
AIR NEW SOURCE PERMITS	PERMIT	1302C
AIR NEW SOURCE PERMITS	PERMIT	33081
AIR NEW SOURCE PERMITS	PERMIT	43815
AIR NEW SOURCE PERMITS	PERMIT	40371
AIR NEW SOURCE PERMITS	PERMIT	38853
AIR NEW SOURCE PERMITS	PERMIT	38402
AIR NEW SOURCE PERMITS	PERMIT	37818
AIR NEW SOURCE PERMITS	PERMIT	52687
AIR NEW SOURCE PERMITS	PERMIT	43041
AIR NEW SOURCE PERMITS	PERMIT	47720
AIR NEW SOURCE PERMITS	PERMIT	45950
AIR NEW SOURCE PERMITS	PERMIT	45766
AIR NEW SOURCE PERMITS	PERMIT	44499
AIR NEW SOURCE PERMITS	PERMIT	44206
AIR NEW SOURCE PERMITS	PERMIT	42060
AIR NEW SOURCE PERMITS	PERMIT	43816
AIR NEW SOURCE PERMITS	PERMIT	53853
AIR NEW SOURCE PERMITS	PERMIT	56241
AIR NEW SOURCE PERMITS	PERMIT	50464
AIR NEW SOURCE PERMITS	PERMIT	36731
AIR NEW SOURCE PERMITS	PERMIT	36872
AIR NEW SOURCE PERMITS	PERMIT	35863
AIR NEW SOURCE PERMITS	PERMIT	51530
AIR NEW SOURCE PERMITS	PERMIT	51405
AIR NEW SOURCE PERMITS	PERMIT	51509
AIR NEW SOURCE PERMITS	PERMIT	71720
AIR NEW SOURCE PERMITS	PERMIT	55029
AIR NEW SOURCE PERMITS	PERMIT	54974
AIR NEW SOURCE PERMITS	PERMIT	1303
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	REGISTRATION	76879
AIR NEW SOURCE PERMITS	REGISTRATION	78657
AIR NEW SOURCE PERMITS	REGISTRATION	78882
AIR NEW SOURCE PERMITS	AFS NUM	0244
AIR NEW SOURCE PERMITS	REGISTRATION	79303
AIR NEW SOURCE PERMITS	REGISTRATION	79898
AIR NEW SOURCE PERMITS	REGISTRATION	79923
AIR NEW SOURCE PERMITS	REGISTRATION	80152
AIR NEW SOURCE PERMITS	REGISTRATION	80152
AIR NEW SOURCE PERMITS	REGISTRATION	80427
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1085
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1897
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	2075
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	2075
UNDERGROUND INJECTION CONTROL	PERMIT	WDW054
UNDERGROUND INJECTION CONTROL	PERMIT	WDW055
UNDERGROUND INJECTION CONTROL	PERMIT	WDW191
UNDERGROUND INJECTION CONTROL	PERMIT	WDW282
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER	87432
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000057752
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	87432
STORMWATER	PERMIT	TXR05R439
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50395

STORAGE

Location: 3055A Farm-to-Market 1006 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 24, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 27, 2001 to September 27, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jorge Ibarra, P. E. Phone: (817) 588-5890

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A Effective Date: 04/29/2006 ADMINORDER 2005-1309-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly report a final report to the regional office for an emissions event which occurred on March 16, 2005, from 0855-1334 hours (Incident Number 55416).

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter V 106.492[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit by Rule OP
Description: Failure to obtain an authorization for emissions released during an emissions event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1 04/04/2006 (457614)
2 06/02/2005 (380479)
3 06/23/2006 (481019)
4 02/24/2006 (455241)
5 06/02/2005 (380477)
6 06/16/2006 (463560)
7 04/01/2005 (350766)
8 08/23/2005 (403155)
9 05/24/2005 (379312)
10 01/09/2005 (342338)
11 04/21/2006 (454956)
12 03/31/2006 (455654)
13 07/15/2005 (396196)
14 04/21/2006 (454957)
15 04/12/2006 (457852)
16 04/21/2006 (454958)
17 04/21/2006 (454959)
18 12/20/2005 (435764)
19 04/17/2006 (460939)
20 02/04/2006 (452682)
21 07/13/2005 (371442)
22 03/29/2006 (455158)
23 08/29/2005 (401553)
24 08/10/2005 (404172)
25 05/24/2005 (379315)
26 06/16/2005 (375902)
27 08/22/2006 (466183)
28 08/22/2006 (465303)
29 07/20/2006 (485968)

30 04/17/2006 (460954)
31 06/23/2006 (481017)
32 03/31/2006 (455549)
33 04/17/2006 (460946)
34 04/28/2005 (373043)
35 02/24/2006 (455270)
36 05/24/2005 (379319)
37 06/14/2005 (380139)
38 06/16/2006 (463571)
39 07/20/2006 (485969)
40 06/21/2006 (464221)
41 07/19/2005 (399166)
42 02/28/2006 (456852)
43 07/24/2006 (461204)
44 07/20/2006 (485963)
45 07/20/2006 (485971)
46 08/10/2005 (400558)
47 02/04/2006 (452802)
48 02/04/2006 (452777)
49 06/02/2005 (380478)
50 07/20/2006 (484913)
51 05/25/2005 (375873)
52 02/28/2006 (454898)
53 07/26/2006 (481814)
54 08/01/2005 (400359)
55 03/29/2006 (454950)
56 05/24/2005 (379320)
57 06/23/2006 (480996)
58 08/10/2005 (398957)
59 01/09/2005 (342430)

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

Dat 06/14/2005 (380139)

Self NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
Description: Failure to properly label hazardous waste tanks with the label of "Hazardous Waste."

Self NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
Description: Failure to immediately remove from service the leaking 1000 gallon hazardous waste tank system located at the P110 Tank Farm.

Self NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)[G]
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)
Description: Failure to properly complete hazardous waste manifests.

F. Environmental audits.

Notice of Intent Date: 06/24/2004 (334680)
No DOV Associated

Notice of Intent Date: 05/25/2005 (398773)
No DOV Associated

Notice of Intent Date: 05/09/2006 (534755)

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.

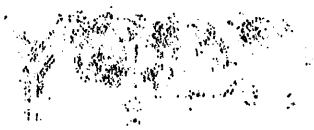
N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING INVISTA S.À R.L., LLC RN104392626	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1740-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INVISTA S.à r.l., LLC ("INVISTA") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and INVISTA appear before the Commission and together stipulate that:

1. INVISTA owns and operates a nylon production plant at 3055 A Farm-to-Market Road 1006 in Orange County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and INVISTA agree that the Commission has jurisdiction to enter this Agreed Order, and that INVISTA is subject to the Commission's jurisdiction.

4. INVISTA received notice of the violations alleged in Section II ("Allegations") on or about August 27, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by INVISTA of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Hundred Twenty Thousand Six Hundred Sixty-Six Dollars ($120,666) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). INVISTA has paid Forty-Eight Thousand Two Hundred Sixty-Seven Dollars ($48,267) of the administrative penalty and Twenty-Four Thousand One Hundred Thirty-Three Dollars ($24,133) is deferred contingent upon INVISTA'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 INVISTA fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require INVISTA to pay all or part

of the deferred penalty. Forty-Eight Thousand Two Hundred Sixty-Six Dollars ($48,266) shall be conditionally offset by INVISTA'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 of the TCEQ and INVISTA have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that INVISTA has implemented the following corrective measures at the Plant:

   a. Began maintaining an emission rate below the maximum allowable emission limit by implementing a calculation methodology and installing low level alarms on December 31, 2004;

   b. Began monitoring pumps monthly, as specified in the consolidated federal air rule, in the Adiponitrile ("ADN") production area on December 31, 2004;

   c. Installed a cap, blind flange, plug, or a second valve on equipment in volatile organic compound ("VOC") service and conducted additional personnel training to ensure proper management of equipment in VOC service on March 31, 2005;

   d. Conducted additional personnel training on March 31, 2005 and developed and began implementing a comprehensive Environmental Shift Log on December 31, 2006 to ensure that the performance of each NH_3 audio, olfactory, and visual ("AVO") inspection is properly recorded;

   e. Posted a permanent and conspicuous label summarizing the operating requirements to minimize emissions on or near the degreaser on March 31, 2005;

   f. Reported all instances of deviations by March 31, 2005;

   g. Furnished the Executive Director copies of continuous emissions monitoring system ("CEMS") performance evaluations of the cylinder gas audits ("CGA") conducted on June 23, 2004 and February 15, 2005 on April 29, 2005;

   h. Began conducting opacity observations when the south and north ADN boilers fired liquid fuel for a period greater than or equal to 24 consecutive hours on May 31, 2005;

   i. Began providing verbal notification of the date of a CEMS performance evaluation at least 15 days prior to such date followed by a written notification of the completion of a performance evaluation to the Executive Director within 15 days after the testing is completed by implementing a more standardized approach for scheduling and reporting on July 31, 2005;

j. Submitted the semiannual report for the reporting period of February 2005 through July 2005 as required by 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 60, Subpart VV on August 31, 2005;

k. Submitted the Relative Accuracy Test Audit ("RATA") of August 19, 2005 on the nitrogen oxides ("NOx") CEMS for the N_2O/NOx abater on October 19, 2005;

l. Began conducting annual opacity observations of stationary vents on November 30, 2005;

m. Began documenting the daily CEMS calibrations for NOx on the No. 4 nitric acid vent stack on March 31, 2006;

n. Furnished the EPA Administrator within 60 days of a performance evaluation two copies of a written report of the results of the performance evaluation on March 31, 2006;

o. Began operating within the maximum ammonia ("NH_3") concentrations in the scrubber solution on March 31, 2006;

p. Began sampling and analyzing the NH_3 concentration at least once every 12-hour shift when the absorbers are in operation on March 31, 2006;

q. Began properly documenting NH_3 leaks found during AVO inspections of the hexamethylene diamine unit on March 31, 2006;

r. Repaired two fugitive components (tag Nos. 03920 and 03960) on April 27, 2006;

s. Began recording a minimum of 98% of the daily flare observations for the operating flare [emission point number ("EPN") PP-3] on April 30, 2006;

t. Began maintaining a complete daily loading/unloading record for land-based VOC transfer to and from transport vessels on June 30, 2006;

u. Began maintaining an emission rate below the maximum allowable emission limit of 24.0 pounds per hour ("lbs/hr") of VOCs on September 30, 2006;

v. Began checking the zero and the span on a daily basis on each CEMS analyzer using an automated procedure on September 30, 2006; and

w. Began keeping records of the total solvent makeup on a monthly basis for the degreaser on October 31, 2006.

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 INVISTA 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 Plant, INVISTA is alleged to have:

1. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

2. Failed to furnish the Executive Director copies of CEMS performance evaluations of the CGA of June 23, 2004 and February 15, 2005 within 60 days after the completion of the evaluations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 117.419(b), Federal Operating Permit ("FOP") No. O-01350, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

3. Failed to document the daily CEMS calibrations for NOx on the No. 4 nitric acid vent stack, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), FOP No. O-01350, Special Terms and Conditions No. 4A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

4. Failed to furnish the Administrator within 60 days of a performance evaluation two copies of a written report of the results of the performance evaluation, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), FOP No. O-01350, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

5. Failed to install a cap, blind flange, plug, or a second valve on equipment in VOC service, in violation of 30 TEX. ADMIN. CODE § 116.115(c), and Permit No. 1302, Special Condition No. 5E, Permit No. 1303, Special Condition No. 7E, Permit No. 1790, Special Condition No. 1E, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

6. Failed to operate within the maximum NH_3 concentrations in the scrubber solution, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 1303, Special Condition No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

7. Failed to sample and analyze the NH_3 concentration at least once every 12-hour shift when the absorbers are in operation, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 1303, Special Condition No. 3, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

8. Failed to document the performance of each NH_3 AVO inspection in the operator's log, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 1303, Special Condition No. 9E, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

9. Failed to conduct opacity observations when the south and north ADN boilers fired liquid fuel for a period greater than or equal to 24 consecutive hours, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-02075, Special Terms and Conditions No. 4A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

10. Failed to check the zero and the span on a daily basis on each CEMS analyzer using an automated procedure, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 1468, Special Condition No. 7B, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

11. Failed to provide verbal notification of the date of a CEMS performance evaluation at least 15 days prior to such date followed by a written notification of the completion of a performance evaluation to the Executive Director within 15 days after the testing is completed, in violation of 30 TEX. ADMIN. CODE §§ 117.319(a)(1) and 117.419(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

12. Failed to maintain an emission rate below the maximum allowable emission limit. Specifically, Tank No. 42 released VOCs when the tank internal floating roof was landed on its leg supports on 18 occasions during the reporting period 02/05/2004 through 08/05/2005, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Permit No. 1790, General Condition No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

	EMISSION PARAMETER			
	Emission Units			
	Date	**Emission Period**	**Emission Rate**	**Actual Emissions**
EPN No.	**00/00/00**	**Hours**	**lbs/hr**	**lbs**
PJ-14J	**05/05-06/04**	17.85	0.15	2.68
PJ-14J	**05/17-18/04**	10.75	0.15	1.61
PJ-14J	**05/23/04**	7.27	0.15	1.09
PJ-14J	**05/29-30/04**	22.93	0.15	3.44
PJ-14J	**06/13-14/04**	14.55	0.15	2.18
PJ-14J	**06/19-20/04**	4.58	0.15	0.69
PJ-14J	**06/26/04**	4.9	0.15	0.74
PJ-14J	**07/01-02/04**	16.42	0.15	2.46

EPN No.	Date	Emission Period	Emission Rate	Actual Emissions
	00/00/00	Hours	lbs/hr	lbs
PJ-14J	07/12/04	4.95	0.15	0.74
PJ-14J	07/17-19/04	12.32	0.15	1.85
PJ-14J	08/04/04	5.88	0.15	0.88
PJ-14J	08/09/04	10.23	0.15	1.54
PJ-14J	08/10/04	23.98	0.15	3.6
PJ-14J	08/11/04	23.98	0.15	3.6
PJ-14J	08/15/04	4.05	0.15	0.61
PJ-14J	08/20/04	13.25	0.15	1.99
PJ-14J	02/22-23/04	5.05	0.15	0.76

13. Failed to post a permanent and conspicuous label summarizing the operating requirements to minimize emissions on or near the degreaser, in violation of 30 TEX. ADMIN. CODE §§ 106.454(1)(E) and 115.412(1)(C), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

14. Failed to keep records of the total solvent makeup on a monthly basis for the degreaser, in violation of 30 TEX. ADMIN. CODE § 106.454(1)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

15. Failed to conduct annual opacity observations of stationary vents, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP No. O-01868, Special Terms and Conditions No. 3A(iii), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

16. Failed to monitor NOx emissions using a CEMS on the absorber vent, in violation of 30 TEX. ADMIN. CODE § 117.313(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

17. Failed to submit a semiannual report for the reporting period of February 2005 through July 2005 within 30 days after the reporting period as required by 40 CFR 60, Subpart VV, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(1)(C), FOP No. O-01868, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

18. Failed to submit a copy of a CEMS performance evaluation within 60 days following the evaluation, in violation of 30 TEX. ADMIN. CODE §§ 117.319(a)(2) and 122.143(4), FOP No. O-01868, Special Terms and Conditions No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006. Specifically, the RATA of August 19, 2005 on the NOx CEMS for the N_2O/NOx abater was submitted late.

19. Failed to record a minimum of 98% of the daily flare observations for the operating flare EPN PP-3, in violation of 30 TEX. ADMIN. CODE § 111.111(a)(4)(A)(ii) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

20. Failed to maintain a complete daily loading/unloading record for land-based VOC transfer to and from transport vessels, in violation of 30 TEX. ADMIN. CODE § 115.216(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

21. Failed to monitor pumps monthly, as specified in the consolidated federal air rule, in the ADN production area, in violation of 30 TEX. ADMIN. CODE § 113.3050 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

22. Failed to repair two fugitive components (tag Nos. 03920 and 03960) no later than 15 calendar days after the leaks were found, in violation of 30 TEX. ADMIN. CODE §§ 113.3050, 115.352(2) and 116.115(c), Permit No. 1302, Special Condition No.5H, and 30 TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

23. Failed to properly document NH_3 leaks found during AVO inspections of the hexamethylene diamine unit, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No.1303, Special Condition No. 9E, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 22, 2006.

24. Failed to maintain an emission rate below the maximum allowable emission limit of 24.0 lbs/hr of VOCs, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and 116.115(c), Permit No.1302, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an inspection conducted on May 2, 2006. Specifically, on 02/13-18/2006, 46.2 lbs/hr of 1,3-butadiene were released in the first hour with a total of 280 pounds of 1,3-butadiene being released in the 111 hour period.

III. DENIALS

INVISTA generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that INVISTA pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and INVISTA'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: INVISTA S.à r.l., LLC, Docket No. 2006-1740-AIR-E" to:

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

2. INVISTA shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Forty-Eight Thousand Two Hundred Sixty-Six Dollars ($48,266) of the assessed administrative penalty shall be offset with the condition that INVISTA implement the SEP defined in Attachment A, incorporated herein by reference. INVISTA'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 INVISTA shall undertake the following technical requirements:

   a. Within 180 days after the effective date of this Agreed Order, begin monitoring NOx emissions on the absorber vent using a CEMS or alternate approved monitoring device, in accordance with 30 TEX. ADMIN. CODE § 117.313; and

   b. Within 185 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a. as described below:

      The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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 fine 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:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon INVISTA. INVISTA is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If INVISTA 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, INVISTA's failure to comply is not a violation of this Agreed Order. INVISTA shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. INVISTA shall notify the Executive Director within seven days after INVISTA 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 INVISTA shall be made in writing to the Executive Director. Extensions are not effective until INVISTA 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 INVISTA 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to INVISTA, or three days after the date on which the Commission mails notice of the Order to INVISTA, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ _____
For the Executive Director 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, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

_____ _____
Signature Date

_____ _____
Name (Printed or typed) Title
Authorized Representative of
INVISTA S.à r.l., LLC

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

Attachment A
Docket Number: 2006-1740-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**INVISTA S.à r.l., LLC**
Payable Penalty Amount:	**Ninety-Six Thousand Five Hundred Thirty-Three Dollars ($96,533)**
SEP Amount:	**Forty-Eight Thousand Two Hundred Sixty-Six Dollars ($48,266)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Jefferson County-Southeast Texas Regional Air Monitoring Network**
Location of SEP:	**Jefferson County**

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 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 Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to maintain and repair the existing Southeast Texas Regional Air Monitoring Network. The network includes seven monitoring stations located at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. SEP monies will be used to pay for the labor and materials costs associated with maintaining, repairing, and replacing the existing air monitoring stations at the seven sites.

The Respondent certifies that there is no prior commitment to make a contribution to this project and that this contribution is being made solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by measuring ozone and nitrogen oxide at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. This data is accessible to TCEQ and the public. Continued monitoring will help TCEQ and local government better respond to citizen's questions about public health as it relates to air quality and will enable TCEQ to better identify emission sources.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Ron Walker
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.