

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-0364-AIR-E **TCEQ ID:** RN102663671 **CASE NO.:** 37304
RESPONDENT NAME: Invista S.a.r.l.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Invista SARL, 2695 Old Bloomington Road North, Victoria, Victoria County</p> <p>TYPE OF OPERATION: Chemical production facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 10, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Kirk Schoppe, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0489; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Darwin A. Koepp, Site Manager, Invista S.a.r.l., 2695 Old Bloomington Road North, Victoria, Texas 77905 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 6, 2009</p> <p>Date of NOV/NOE Relating to this Case: March 3, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to report an emissions event within twenty-four hours after the discovery. Specifically, the Respondent had an emissions event on November 14, 2008 that was not reported until November 24, 2008 [30 TEX. ADMIN. CODE §§ 101.201(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O-01904, Special Terms and Conditions 2F].</p> <p>2) Failure to prevent unauthorized emissions during an event that occurred on November 14, 2008. Specifically, the Respondent released 877.66 pounds of unauthorized volatile organic compounds emissions from the Adipo Nitrile Cooling Tower Unit (EPN 10CLT-040) into the atmosphere during the twenty-four hour and five minute event. The event occurred due to the malfunction/failure of the No. 1 Digester Agitator Seal on the Adipo Nitrile Cooling Tower. Since the emissions event was reported late, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 7186, Special Condition 1, and FOP No. O-01904, Special Terms and Conditions 1 and 2].</p>	<p>Total Assessed: \$5,356</p> <p>Total Deferred: \$1,071 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$2,142</p> <p>Total Paid to General Revenue: \$2,143</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement improvements to training or procedures, in order to address the reporting violation that occurred on November 14, 2008, and to prevent the reoccurrence of same or similar incidents; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): VC0008Q

Attachment A
Docket Number: 2009-0364-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Invista S.a.r.l.
Payable Penalty Amount:	Five Thousand Three Hundred Fifty-Six Dollars (\$5,356)
SEP Amount:	Two Thousand One Hundred Forty-Two Dollars (\$2,142)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Texas Air Quality Control Region 214 – Corpus Christi-Victoria

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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

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.

Invista S.a.r.l.
Agreed Order - Attachment A

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 project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. 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 October 30, 2008

DATES	Assigned	9-Mar-2009	Screening	13-Mar-2009	EPA Due	28-Nov-2009
	PCW	16-Mar-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Invista S.a.r.l.		
Reg. Ent. Ref. No.	RN102663671		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37304	No. of Violations	2
Docket No.	2009-0364-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kirk Schoppe
		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)	<i>Subtotal 1</i>	\$2,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	106.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$2,756
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Notes: The penalty was enhanced due to seven NOVs for similar violations, seventeen NOVs for dissimilar violations, one 1660 style order, and one findings order. The penalty was reduced due to four NOAs and two DOVs.

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

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$0
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts \$66
 Approx. Cost of Compliance \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$5,356
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<i>Final Penalty Amount</i>	\$5,356
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$5,356
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DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$1,071
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,285
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Screening Date 13-Mar-2009

Docket No. 2009-0364-AIR-E

PCW

Respondent Invista S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No. 37304

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102663671

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

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)	7	35%
	Other written NOVs	17	34%
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	1	25%
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 submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
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) 106%

>> 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 penalty was enhanced due to seven NOVs for similar violations, seventeen NOVs for dissimilar violations, one 1660-style order, and one findings order. The penalty was reduced due to four NOAs and two DOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 106%

Screening Date 13-Mar-2009	Docket No. 2009-0364-AIR-E	PCW	
Respondent Invista S.a.r.l.		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 37304		<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN102663671			
Media [Statute] Air			
Enf. Coordinator Kirk Schoppe			
Violation Number <input type="text" value="2"/>			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit No. 7186, Special Condition 1, and FOP No. O-01904, Special Terms and Conditions 1 and 2		
Violation Description	Failed to prevent unauthorized emissions during an event that occurred on November 14, 2008, as documented during an investigation conducted on January 6, 2009. Specifically, the Respondent released 877.66 pounds of unauthorized volatile organic compounds emissions from the Adipo Nitrile Cooling Tower Unit (EPN 10CLT-040) into the atmosphere during the twenty-four hour and five minute event. The event occurred due to the malfunction/failure of the No. 1 Digester Agitator Seal on the Adipo Nitrile Cooling Tower. Since the emissions event was reported late, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.		
	Base Penalty	<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="25%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>
Matrix Notes	The emissions event resulted in the release of an insignificant amount of pollutants which did not exceed levels protective of human health and/or the environment.		
	Adjustment	<input type="text" value="\$7,500"/>	
			<input type="text" value="\$2,500"/>
Violation Events			
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="2"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
	One quarterly event is recommended based on the emissions event.		
Good Faith Efforts to Comply			
	<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	<input type="text" value="\$2,500"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test
	Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$5,150"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$5,150"/>

Economic Benefit Worksheet

Respondent: Invista S.a.r.l.
Case ID No.: 37304
Reg. Ent. Reference No.: RN102663671
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in the economic benefit calculated for Violation 1, since the affirmative defense could not be claimed due solely to late reporting.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 13-Mar-2009 Respondent Invista S.a.r.l. Case ID No. 37304 Reg. Ent. Reference No. RN102663671 Media [Statute] Air Enf. Coordinator Kirk Schoppe Violation Number 1 Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O-01904, Special Terms and Conditions 2F Violation Description Failed to report an emissions event within twenty-four hours after the discovery. Specifically, the Respondent had an emissions event on November 14, 2008 that was not reported until November 24, 2008.	Docket No. 2009-0364-AIR-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i>																							
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\$100																								
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Violation Subtotal \$100																								
Economic Benefit (EB) for this violation																								
Statutory Limit Test																								
Estimated EB Amount: \$66	Violation Final Penalty Total: \$206																							
This violation Final Assessed Penalty (adjusted for limits) \$206																								

Economic Benefit Worksheet

Respondent: Invista S.a.r.l.
Case ID No.: 37304
Reg. Ent. Reference No.: RN102663671
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	15-Nov-2008	1-Oct-2009	0.88	\$66	n/a	\$66
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper reporting procedures are followed. Date Required is based on the date the notification was due and the Final Date is the expected date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$66

Compliance History Report

Customer/Respondent/Owner-Operator: CN602582231 Invista S.a.r.l. Classification: AVERAGE Rating: 3.62
 Regulated Entity: RN102663671 INVISTA SARL Classification: AVERAGE Site Rating: 0.98

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	VC0008Q
	AIR OPERATING PERMITS	PERMIT	1415
	AIR OPERATING PERMITS	PERMIT	1865
	AIR OPERATING PERMITS	PERMIT	1866
	AIR OPERATING PERMITS	PERMIT	1867
	AIR OPERATING PERMITS	PERMIT	1890
	AIR OPERATING PERMITS	PERMIT	1904
	AIR OPERATING PERMITS	PERMIT	1902
	AIR OPERATING PERMITS	PERMIT	1415
	AIR OPERATING PERMITS	PERMIT	1865
	AIR OPERATING PERMITS	PERMIT	1866
	AIR OPERATING PERMITS	PERMIT	1867
	AIR OPERATING PERMITS	PERMIT	1890
	AIR OPERATING PERMITS	PERMIT	1902
	AIR OPERATING PERMITS	PERMIT	1904
	AIR OPERATING PERMITS	ACCOUNT NUMBER	VC0008Q
	PETROLEUM STORAGE TANK	REGISTRATION	24717
	REGISTRATION		
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW004
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW028
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW029
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW030
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW105
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW106
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW142
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW143
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW144
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008123317
	GENERATION		
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000057968
	GENERATION		
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50056
	STORAGE		
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50393
	STORAGE		
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50056
	STORAGE		
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	87449
	PROCESSING	(SWR)	
	AIR NEW SOURCE PERMITS	PERMIT	809
	AIR NEW SOURCE PERMITS	PERMIT	810
	AIR NEW SOURCE PERMITS	PERMIT	812
	AIR NEW SOURCE PERMITS	PERMIT	813
	AIR NEW SOURCE PERMITS	PERMIT	3373
	AIR NEW SOURCE PERMITS	PERMIT	7186
	AIR NEW SOURCE PERMITS	PERMIT	7873
	AIR NEW SOURCE PERMITS	PERMIT	9560
	AIR NEW SOURCE PERMITS	PERMIT	14751
	AIR NEW SOURCE PERMITS	PERMIT	20011
	AIR NEW SOURCE PERMITS	PERMIT	23271
	AIR NEW SOURCE PERMITS	PERMIT	31376
	AIR NEW SOURCE PERMITS	PERMIT	37067
	AIR NEW SOURCE PERMITS	PERMIT	43301
	AIR NEW SOURCE PERMITS	PERMIT	43502
	AIR NEW SOURCE PERMITS	PERMIT	43501
	AIR NEW SOURCE PERMITS	PERMIT	43614
	AIR NEW SOURCE PERMITS	PERMIT	44234
	AIR NEW SOURCE PERMITS	PERMIT	44463
	AIR NEW SOURCE PERMITS	PERMIT	45256
	AIR NEW SOURCE PERMITS	PERMIT	45219
	AIR NEW SOURCE PERMITS	PERMIT	47610
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	VC0008Q
	AIR NEW SOURCE PERMITS	AFS NUM	4846900001
	AIR NEW SOURCE PERMITS	REGISTRATION	71504
	AIR NEW SOURCE PERMITS	REGISTRATION	71789
	AIR NEW SOURCE PERMITS	PERMIT	56688
	AIR NEW SOURCE PERMITS	PERMIT	73896
	AIR NEW SOURCE PERMITS	REGISTRATION	74109
	AIR NEW SOURCE PERMITS	REGISTRATION	73898
	AIR NEW SOURCE PERMITS	REGISTRATION	74566

AIR NEW SOURCE PERMITS	REGISTRATION	76575
AIR NEW SOURCE PERMITS	PERMIT	77089
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1079
AIR NEW SOURCE PERMITS	REGISTRATION	80416L
AIR NEW SOURCE PERMITS	REGISTRATION	81149
AIR NEW SOURCE PERMITS	REGISTRATION	83151
AIR NEW SOURCE PERMITS	REGISTRATION	86050
AIR NEW SOURCE PERMITS	REGISTRATION	85686
AIR NEW SOURCE PERMITS	REGISTRATION	85648
AIR NEW SOURCE PERMITS	REGISTRATION	85497
AIR NEW SOURCE PERMITS	REGISTRATION	87563
AIR NEW SOURCE PERMITS	REGISTRATION	85650
AIR NEW SOURCE PERMITS	REGISTRATION	82508
AIR NEW SOURCE PERMITS	REGISTRATION	82501
AIR NEW SOURCE PERMITS	REGISTRATION	82498
AIR NEW SOURCE PERMITS	EPA ID	P1079
AIR NEW SOURCE PERMITS	REGISTRATION	82497
AIR NEW SOURCE PERMITS	REGISTRATION	85492
AIR NEW SOURCE PERMITS	REGISTRATION	85383
AIR NEW SOURCE PERMITS	REGISTRATION	87075
AIR NEW SOURCE PERMITS	REGISTRATION	85647
AIR NEW SOURCE PERMITS	REGISTRATION	84582
AIR NEW SOURCE PERMITS	REGISTRATION	84639
AIR NEW SOURCE PERMITS	REGISTRATION	83137
AIR NEW SOURCE PERMITS	REGISTRATION	85112
AIR NEW SOURCE PERMITS	REGISTRATION	85493
AIR NEW SOURCE PERMITS	REGISTRATION	87314
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2350014
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2350014
WASTEWATER	PERMIT	WQ0000476000
WASTEWATER	PERMIT	TPDES0006050
WASTEWATER	PERMIT	TX0006050
WASTEWATER LICENSING	LICENSE	WQ0000476000
WATER LICENSING	LICENSE	2350014
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30079

Location: 2695 OLD BLOOMINGTON RD N, VICTORIA, TX, 77905

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: March 09, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 09, 2004 to March 09, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Kirk Schoppe Phone: 239 - 0489

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? Yes
3. If Yes, who is the current owner? Invista S.a.r.l.
4. If Yes, who was/were the prior owner(s)? E. I. du Pont de Nemours and Company
5. When did the change(s) in ownership occur? 03/31/2004
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 02/05/2006

ADMINORDER 2005-0346-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent an unauthorized emission of 5,098 pounds of carbon monoxide on July 22, 2004

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit an initial notification to the Region 14 office within 24 hours after discovery of a reportable emissions event

Effective Date: 03/23/2006

ADMINORDER 2004-1661-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to satisfy all demonstrations criteria or gain regulatory authority for emissions released from an emissions events occurring on February 14, 18, and 20, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit an initial notification required by 30 TAC 101.201(a) electronically to the commission using electronic forms provided by the commission

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	03/22/2004	(295599)
2	03/24/2004	(295606)
3	04/06/2004	(267689)
4	04/16/2004	(265209)
5	04/16/2004	(265211)
6	04/22/2004	(295600)
7	05/17/2004	(266085)
8	05/19/2004	(270997)
9	05/19/2004	(271001)
10	05/19/2004	(271005)
11	05/19/2004	(271008)
12	05/19/2004	(271234)
13	05/19/2004	(271238)
14	05/19/2004	(271240)
15	05/19/2004	(271243)
16	05/19/2004	(271245)
17	05/20/2004	(295602)
18	06/22/2004	(295604)
19	07/14/2004	(270934)
20	07/14/2004	(270935)
21	07/29/2004	(282683)
22	07/29/2004	(282688)
23	07/29/2004	(282695)
24	08/27/2004	(291335)
25	08/30/2004	(352202)
26	09/16/2004	(289844)
27	09/16/2004	(289860)
28	09/16/2004	(289863)
29	09/16/2004	(289865)
30	09/16/2004	(289868)
31	09/16/2004	(289873)
32	09/16/2004	(289878)
33	09/16/2004	(289887)
34	09/17/2004	(289857)
35	09/23/2004	(352203)
36	10/01/2004	(278833)

37	10/04/2004	(352207)
38	10/25/2004	(352204)
39	11/15/2004	(339998)
40	11/16/2004	(352205)
41	11/19/2004	(341626)
42	11/19/2004	(341628)
43	11/19/2004	(341629)
44	11/19/2004	(341630)
45	11/19/2004	(341631)
46	11/19/2004	(341633)
47	11/19/2004	(341636)
48	11/19/2004	(341637)
49	11/19/2004	(341638)
50	11/19/2004	(341639)
51	12/06/2004	(342190)
52	12/06/2004	(342194)
53	12/27/2004	(352206)
54	01/14/2005	(346779)
55	01/18/2005	(342582)
56	02/23/2005	(350377)
57	02/23/2005	(350380)
58	02/23/2005	(381883)
59	03/14/2005	(372324)
60	03/18/2005	(419717)
61	03/22/2005	(342628)
62	03/28/2005	(373681)
63	03/28/2005	(375089)
64	04/01/2005	(350073)
65	04/06/2005	(419721)
66	04/25/2005	(376553)
67	04/25/2005	(419718)
68	05/06/2005	(380016)
69	05/23/2005	(419719)
70	05/24/2005	(380153)
71	05/24/2005	(380157)
72	05/24/2005	(380159)
73	05/24/2005	(380160)
74	05/24/2005	(380162)
75	05/24/2005	(380164)
76	05/24/2005	(380165)
77	05/24/2005	(380166)
78	05/24/2005	(380167)
79	05/31/2005	(376436)
80	06/23/2005	(419720)
81	06/24/2005	(381191)
82	06/27/2005	(379443)
83	06/27/2005	(396505)
84	07/05/2005	(350989)
85	07/14/2005	(398870)
86	07/14/2005	(398879)
87	07/14/2005	(398887)
88	07/14/2005	(398889)
89	07/14/2005	(398892)
90	07/14/2005	(398894)
91	07/14/2005	(398896)
92	07/14/2005	(398899)
93	08/04/2005	(401117)
94	08/04/2005	(402097)
95	08/19/2005	(440860)
96	08/23/2005	(406164)
97	08/24/2005	(406189)
98	08/24/2005	(406198)
99	08/24/2005	(406202)
100	08/24/2005	(406204)
101	08/24/2005	(406206)
102	09/23/2005	(440861)
103	10/24/2005	(468482)
104	10/24/2005	(468483)
105	11/07/2005	(434136)
106	11/08/2005	(433803)
107	11/09/2005	(431065)
108	11/16/2005	(433207)
109	11/17/2005	(437511)
110	11/21/2005	(468484)
111	11/30/2005	(435225)
112	11/30/2005	(436433)
113	11/30/2005	(437011)

114	12/05/2005	(439211)
115	12/20/2005	(437409)
116	12/20/2005	(437731)
117	12/20/2005	(437735)
118	12/20/2005	(437742)
119	12/20/2005	(437744)
120	12/20/2005	(437745)
121	12/20/2005	(437748)
122	12/20/2005	(437751)
123	12/20/2005	(437759)
124	12/20/2005	(437761)
125	12/20/2005	(437763)
126	12/20/2005	(437765)
127	12/22/2005	(468485)
128	01/20/2006	(452566)
129	01/23/2006	(468486)
130	01/24/2006	(450108)
131	02/12/2006	(453471)
132	02/21/2006	(468478)
133	03/10/2006	(455886)
134	03/21/2006	(468479)
135	04/06/2006	(460445)
136	04/17/2006	(461073)
137	04/17/2006	(461077)
138	04/17/2006	(461086)
139	04/17/2006	(468480)
140	04/17/2006	(468481)
141	04/20/2006	(461087)
142	05/15/2006	(498232)
143	05/24/2006	(466249)
144	06/21/2006	(498233)
145	06/29/2006	(484348)
146	07/20/2006	(485919)
147	07/20/2006	(485929)
148	07/20/2006	(485932)
149	07/20/2006	(485937)
150	07/20/2006	(485945)
151	07/20/2006	(485952)
152	07/20/2006	(485954)
153	07/20/2006	(485955)
154	07/20/2006	(485958)
155	07/26/2006	(483662)
156	08/03/2006	(481151)
157	08/16/2006	(480810)
158	08/21/2006	(520246)
159	08/23/2006	(488306)
160	08/23/2006	(497463)
161	08/23/2006	(497472)
162	08/23/2006	(497475)
163	08/23/2006	(497483)
164	08/23/2006	(497492)
165	08/30/2006	(510315)
166	09/11/2006	(480748)
167	09/18/2006	(520247)
168	10/16/2006	(544560)
169	10/18/2006	(511051)
170	10/19/2006	(514682)
171	11/21/2006	(544561)
172	11/29/2006	(519264)
173	11/29/2006	(519758)
174	12/11/2006	(531155)
175	12/11/2006	(531175)
176	12/11/2006	(531182)
177	12/11/2006	(531191)
178	12/11/2006	(531202)
179	12/15/2006	(544562)
180	12/19/2006	(531162)
181	12/19/2006	(531422)
182	01/12/2007	(544563)
183	01/29/2007	(537705)
184	01/29/2007	(538352)
185	02/01/2007	(515996)
186	02/02/2007	(531101)
187	02/12/2007	(539987)
188	02/15/2007	(544559)
189	02/18/2007	(537803)
190	02/18/2007	(539640)

191	03/01/2007	(541470)
192	03/19/2007	(575377)
193	04/12/2007	(542261)
194	04/12/2007	(542269)
195	04/13/2007	(556837)
196	04/17/2007	(575378)
197	04/25/2007	(555676)
198	04/25/2007	(555682)
199	04/25/2007	(555686)
200	04/25/2007	(555687)
201	04/25/2007	(555689)
202	04/25/2007	(555693)
203	04/25/2007	(555696)
204	04/25/2007	(555701)
205	04/25/2007	(555703)
206	05/01/2007	(558646)
207	05/07/2007	(559350)
208	05/09/2007	(559220)
209	05/14/2007	(575379)
210	05/18/2007	(542686)
211	06/04/2007	(560990)
212	06/06/2007	(562395)
213	06/15/2007	(575380)
214	07/02/2007	(563428)
215	07/02/2007	(564165)
216	07/03/2007	(564755)
217	07/05/2007	(559351)
218	07/20/2007	(575381)
219	08/16/2007	(570143)
220	08/16/2007	(570147)
221	08/16/2007	(571604)
222	08/16/2007	(571614)
223	08/16/2007	(571616)
224	08/16/2007	(571619)
225	08/17/2007	(601635)
226	08/22/2007	(542395)
227	08/22/2007	(569878)
228	08/23/2007	(572798)
229	08/28/2007	(573322)
230	08/30/2007	(570185)
231	08/31/2007	(574265)
232	09/14/2007	(594267)
233	09/20/2007	(601636)
234	09/26/2007	(594958)
235	10/18/2007	(601637)
236	10/18/2007	(601638)
237	10/23/2007	(596420)
238	11/01/2007	(594093)
239	11/01/2007	(594098)
240	11/01/2007	(595170)
241	11/01/2007	(595230)
242	11/01/2007	(595233)
243	11/01/2007	(595237)
244	11/15/2007	(595985)
245	11/16/2007	(619531)
246	11/19/2007	(608779)
247	11/19/2007	(608781)
248	11/20/2007	(600236)
249	11/20/2007	(600239)
250	12/19/2007	(619532)
251	01/23/2008	(614402)
252	01/23/2008	(614408)
253	01/28/2008	(615679)
254	02/11/2008	(617896)
255	02/12/2008	(617428)
256	02/19/2008	(672057)
257	02/21/2008	(636191)
258	02/22/2008	(619038)
259	02/26/2008	(636167)
260	02/29/2008	(619177)
261	03/19/2008	(672058)
262	04/10/2008	(672060)
263	04/17/2008	(672059)
264	04/29/2008	(641484)
265	04/29/2008	(641495)
266	04/29/2008	(641498)
267	04/29/2008	(641502)

268 04/29/2008 (641503)
 269 04/29/2008 (641506)
 270 04/29/2008 (641507)
 271 04/29/2008 (641509)
 272 04/29/2008 (641511)
 273 05/19/2008 (689969)
 274 05/28/2008 (670942)
 275 06/03/2008 (681610)
 276 06/12/2008 (682746)
 277 06/12/2008 (682758)
 278 06/13/2008 (636198)
 279 06/16/2008 (570815)
 280 06/18/2008 (689970)
 281 08/06/2008 (685463)
 282 08/06/2008 (687657)
 283 08/18/2008 (710755)
 284 08/19/2008 (687695)
 285 08/27/2008 (687467)
 286 08/27/2008 (701071)
 287 08/28/2008 (637941)
 288 08/28/2008 (685079)
 289 09/16/2008 (682835)
 290 09/17/2008 (710756)
 291 10/13/2008 (703125)
 292 10/20/2008 (710757)
 293 10/20/2008 (710758)
 294 11/13/2008 (671370)
 295 11/17/2008 (705741)
 296 11/17/2008 (706565)
 297 11/17/2008 (706567)
 298 11/17/2008 (706570)
 299 11/17/2008 (706571)
 300 11/17/2008 (706574)
 301 11/17/2008 (706577)
 302 11/17/2008 (727498)
 303 11/20/2008 (708258)
 304 12/04/2008 (709080)
 305 12/05/2008 (709059)
 306 12/05/2008 (709083)
 307 03/03/2009 (722660)

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

Date: 03/31/2004 (295600) CN602582231
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (295602) CN602582231
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/18/2004 (266085) CN602582231
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)
 TWC Chapter 26 26.121(a)(1)
 TWC Chapter 26 26.121(a)(2)
 TWC Chapter 26 26.121(a)(3)
 TWC Chapter 26 26.121(b)
 TWC Chapter 26 26.121(c)
 TWC Chapter 26 26.121(d)
 TWC Chapter 26 26.121(e)
 WQ0000476-000 PERMIT

Description: Failure to prevent the discharge of process wastewater from the Equistar Unit through Outfall 003.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0000476-000 PERMIT
Description: Failure to prevent the discharge of storm water from Outfall 003 and from Outfall 005 which did not meet the permit limitation for pH of 9.0.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
WQ0000476-000 PERMIT
Description: Failure to sample Outfall 151B for organic pollutants between December 1, 2002, and November 30, 2003.

Date: 07/22/2004 (289863) CN602582231
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)
VII.F. OP
Description: DuPont failed to operate WDW-30 within permit limits.

Date: 07/22/2004 (289857) CN602582231
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)
VII.F. OP
Description: DuPont failed to operate WDW-28 within permit limits.

Date: 09/30/2004 (352204) CN602582231
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2004 (352205) CN602582231
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/01/2005 (350073) CN602582231
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to prevent visible/opacity emissions from a point source during an event that occurred on November 6, 2004.

Date: 04/26/2005 (381191) CN602582231
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)
Description: Failure to meet the accumulation time requirements for storing hazardous waste in a less than 90-day container storage area.

Date: 04/26/2005 (379443)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)
30 TAC Chapter 335, SubChapter A 335.13(k)(1)
30 TAC Chapter 335, SubChapter A 335.13(k)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42
Description: Failure to submit an exception report for two Class 1 waste loads transported off-site to a designated facility.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.13(j)
Description: Failure to determine the status of two Class 1 waste loads transported off-site to a designated facility.

Date: 07/31/2006 (520246) CN602582231
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/16/2006 (480810) CN602582231
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Special Provision 1 PERMIT
Description: The regulated entity failed to gain an affirmative defense for emissions released during a startup activity.

Date: 02/01/2007 (515996) CN602582231
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Effluent Limitations, Outfall 131, 141 PERMIT
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
Description: Failure to prevent the unauthorized discharge of process wastewater co-mingled with storm water from the Equistar (Lyondell) manufacturing unit via the Rice Canal and Outfall 003.

Date: 03/31/2007 (575378) CN602582231
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2007 (575381) CN602582231
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (601635) CN602582231
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/22/2007 (542395) CN602582231
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
General Term and Conditions, O-01865 OP
Description: Failure to submit the semi-annual deviation report for Federal Operating Permit (FOP) O-01865, encompassing the period of February 17, 2006 through August 16, 2006, no later than 30 days after the end of the reporting period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Description: Failure to include all instances of deviations in the deviation report submitted for Federal Operating Permit (FOP) O-01865.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
General Terms and Conditions, O-01904 OP
Description: Failure to submit the semi-annual deviation reports for Federal Operating Permit (FOP) O-01904, encompassing the periods of May 31, 2006 through November 30, 2006; and December 31, 2006 through May 30, 2007, no later than 30 days

after the end of the reporting period.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
Description: Failure to submit the Permit Compliance Certification (PCC) for Federal Operating Permit (FOP) O-01904, encompassing the period of May 31, 2006 through May 30, 2007, no later than 30 days after the end of the certification period.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-01904, SC 3(A)(iv)(1) OP
Description: Invista failed to conduct periodic monitoring for unit ID nos. 10FLT063 and 10FLT063A during the 2nd and 3rd quarters, May 31, 2006 through November 30, 2006, as required by FOP O-01904 - Special Condition No. 3A(iv)(1).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-01904, SC No. 22 OP
Description: Failure to conduct periodic monitoring for the degreasing unit ID no. 10DEG068 during the month of January 2007 as required by periodic monitoring requirements specified for the degreaser in FOP O-01904 - Special Condition No. 22 which requires permit holders to comply with periodic monitoring requirements contained within the permit. The unit is required to conduct monthly visual inspections and record the data.

Date: 08/22/2007 (569878) CN602582231
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to prevent visible emissions which exceeded the opacity of 20 percent averaged over a six minute period. Specifically, the Regulated Entity reported 62 instances of exceeding the 20 percent average, and of these 62 reported instances, a total of 41 instances lasted longer than six minutes, from a period of February 17, 2006 through August 13, 2006. At least 14 instances for exceeding the opacity of 20 percent average were reported from August 23, 2006 through February 13, 2007.

Date: 08/28/2007 (573322) CN602582231
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Description: Failure to comply with the Federal Operating Permit (FOP) Reporting Terms and Conditions. Specifically, the regulated entity failed to submit the deviation report for the second six-month period for Title V FOP No. O-01902 within the 30 days after the reporting period of November 3, 2006 through May 2, 2007. The second deviation report was due no later than June 4, 2007, but was not submitted until June 29, 2007 (received on July 2, 2007).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
Description: Failure to comply with the Federal Operating Permit (FOP) Compliance Certification Terms and Conditions. Specifically, the regulated entity failed to submit the annual compliance certification for Title V FOP No. O-01902 within the 30 days after the certification period of May 3, 2006 through May 2, 2007. The annual compliance certification was due no later than June 4, 2007, but was not submitted until June 29, 2007 (received on July 2, 2007).

Date: 08/31/2007 (601636) CN602582231
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2008 (672059) CN602582231
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/28/2008 (701071) CN602582231
Self Report? NO Classification: Moderate
Citation: 1904 OP

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to perform daily visible emissions observations. Specifically, the regulated entity failed to conduct 76 required daily observations on the HCN Converter No. 1 Flare from April 8, 2008 to June 22, 2008, and one observation for the NH3

Flare (Unit ID 10FLR004) on October 25, 2007. The HCN Converter No. 1 Flare includes Unit IDs 10FLR001, 10FLR002, 10FLR003, and 10FLR003A found in TCEQ Air Permit Number No. 7186.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
7186 PERMIT

Description: General Terms & Conditions OP
Failure to submit the start of construction notification within 15 days. Specifically, the regulated entity began construction on January 8, 2008 and was required to submit the start of construction notification no later than January 23, 2008. The start of construction notification was submitted 26 days late on February 18, 2008. Refer to New Source Review Permit No. 7186 Amendment dated January 8, 2008.

Date: 08/28/2008 (687467) CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
FOP O-01890 General Terms and Conditions OP

Description: Failure to submit a deviation report no later than 30 days after the end of the each reporting period. Specifically, the deviation report for the period of February 1, 2007 through July 31, 2007, due no later than August 30, 2007, was submitted by INVISTA S.a.r.l., Victoria Site fifty-nine days (59) later on September 28, 2007. This further constitutes a violation of special terms and conditions of Title V - Federal Operating Permit No. O-01890 and Texas Health and Safety Code §382.085(b).

Date: 08/29/2008 (637941) CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain a copy of, and include with each applicable offsite waste shipment, a notice stating that the waste contains benzene. Specifically, a shipment of 12 spent carbon canisters containing benzene was returned to the vendor without the proper notice on February 28, 2007. This further constitutes a violation of special terms and conditions of Title V - Federal Operating Permit No. O-01866 and 5C Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 31376 - SC No. 4 PA

Description: Failure to conduct quarterly visual or physical inspection checks on process wastewater drain seals for indications of low water levels or other conditions that would reduce the effectiveness of water seal controls. Specifically, quarterly overflow water seal inspections were not conducted for the Acids EQ Tank (08TFX-001) and 311 EQ Tank (08TFX-002) during the 4th Quarter of 2007 and the 1st Quarter of 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 23271 - Special Condition 14 PA

Description: Failure to comply with special conditions of this permit which apply to the fugitive emissions components. This further constitutes a violation of special terms and conditions of Title V - Federal Operating Permit No. O-01902 and 5C Texas Health and Safety Code § 382.085(b).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 23271 - Special Condition 22 PA

Description: Failure to comply with special conditions of the permit which apply to cooling basin water sampling methods. INVISTA S.a.r.l. failed to monitor the cooling basin water in accordance with the requirements specified in the permit condition.
This further constitutes a violation of special terms and conditions of Title V - Federal Operating Permit No. O-01902 and Texas Health and Safety Code § 382.085(b).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations for each emission unit addressed in the permit within the relative 6-month deviation report. Specifically, during the July 8, 2008 onsite audit it was found that INVISTA S.a.r.l. had not been conducting cooling basin water analysis as required by TCEQ NSR 23271. This indication of non-compliance was not reported as a deviation within the relative reporting period of November 3, 2007 to May 2, 2008, which was due no later than June 2, 2008.

F. Environmental audits.

Notice of Intent Date: 06/07/2004 (281679)

Disclosure Date: 09/19/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

Description: Failure to timely notify the agency of an emission event that occurred at the ADN molecular sieve.

Notice of Intent Date: 05/25/2005 (398755)

No DOV Associated

Notice of Intent Date: 06/28/2007 (571554)

No DOV Associated

Notice of Intent Date: 01/22/2008 (639322)

Disclosure Date: 07/23/2008

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

Description: Failure to estimate the block-hourly average net heating value of the vent stream combusted in the ADN Operating Flare. The ADN Operating Flare was less than 300 Btu/scf for 33 hours in May 2004, 3 hours in October 2004, 2 hours in March 2006, 11 hours in June 2006, 1 hour in June 2007, and 12 hours in July 2007.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to submit a complete Emissions Inventory in 2006. In preparing the 2006 Emissions Inventory for the INVISTA Victoria Plant, 93% destruction efficiency was not assumed for the periods in 2006 identified above under Item 1 when the ADN Operating Flare did not satisfy the minimum net heating value specified by the regulations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)

Description: Failure to include all emissions deviations in Title V deviation report and compliance certifications.

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.A.R.L.
RN102663671

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2009-0364-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.a.r.l. ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical production facility at 2695 Old Bloomington Road North in Victoria, Victoria 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 8, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Three Hundred Fifty-Six Dollars (\$5,356) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand One Hundred Forty-Three Dollars (\$2,143) of the administrative penalty and One Thousand Seventy-One Dollars (\$1,071) is

deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Thousand One Hundred Forty-Two Dollars (\$2,142) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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, the Respondent is alleged to have:

1. Failed to report an emissions event within twenty-four hours after the discovery, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O-01904, Special Terms and Conditions 2F, as documented during an investigation conducted on January 6, 2009. Specifically, the Respondent had an emissions event on November 14, 2008 that was not reported until November 24, 2008.
2. Failed to prevent unauthorized emissions during an event that occurred on November 14, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 7186, Special Condition 1, and FOP No. O-01904, Special Terms and Conditions 1 and 2, as documented during an investigation conducted on January 6, 2009. Specifically, the Respondent released 877.66 pounds of unauthorized volatile organic compounds emissions from the Adipo Nitrile Cooling Tower Unit (EPN 10CLT-040) into the atmosphere during the twenty-four hour and five minute event. The event occurred due to the malfunction/failure of the No. 1 Digester Agitator Seal on the Adipo Nitrile Cooling Tower. Since the emissions event was reported late, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Invista S.a.r.l., Docket No. 2009-0364-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. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, One Thousand One Hundred Forty-Two Dollars (\$2,142) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement improvements to training or procedures, in order to address the reporting violation that occurred on November 14, 2008, and to prevent the reoccurrence of same or similar incidents; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

John Erdler
For the Executive Director

8/4/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Darwin A. Koepf
Signature

6-5-09
Date

Darwin A. Koepf
Name (Printed or typed)
Authorized Representative of
Invista S.a.r.l.

Site Manager
Title

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: 2009-0364-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Invista S.a.r.l.
Payable Penalty Amount:	Five Thousand Three Hundred Fifty-Six Dollars (\$5,356)
SEP Amount:	Two Thousand One Hundred Forty-Two Dollars (\$2,142)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Texas Air Quality Control Region 214 – Corpus Christi-Victoria

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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

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.

Invista S.a.r.l.
Agreed Order - Attachment A

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 project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. 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.

