

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1055-AIR-E TCEQ ID: RN104392626 CASE NO.: 36124

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 S.a.r.l. Sabine River Site, 3055A Farm-to-Market Road 1006, Orange, Orange County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1609-AIR-E and 2008-0829-AIR-E.</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 January 12, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Mark D. McPherson, Plant Manager, INVISTA S.a.r.l., P.O. Box 1003, Orange, Texas 77631 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 24 and April 30, 2008</p> <p>Date of NOV/NOE Relating to this Case: April 17 and June 11, 2008 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failure to submit Excess Emission Reports in a timely manner for the Adipic Acid Unit and the Nitric Acid Unit. Specifically, the reports for first quarter 2007 were submitted four days late and the reports for second and third quarter 2007 were each submitted one day late [30 TEX. ADMIN. CODE §§ 117.4045(c), 117.4145(c), and 122.143(4), Federal Operating Permit ("FOP") No. O-01350, Special Terms and Conditions ("STC") No. 1.A., FOP No. O-01868, STC No. 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to report all deviations for reporting periods November 16, 2006 through May 15, 2007 and February 6, 2007 through August 5, 2007. Specifically, the Respondent failed to report failing to monitor 211 components on the semiannual deviation report ("SDR") for November 16, 2006 through May 15, 2007, and failure to report four deviations of failing to submit timely Excess Emission Reports for the SDRs for the reporting period of February 6, 2007 through August 5, 2007 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), and 122.146(5)(C), FOP No. O-01350, General Terms and Conditions ("GTC"), FOP No. O-01868, GTC, FOP O-01996, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$32,082</p> <p>Total Deferred: \$6,416 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$12,833</p> <p>Total Paid (Due) to General Revenue: \$12,833</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On June 4, 2007, uploaded 211 missing components into the LEAKDAS (propriety software) Database;</p> <p>b. On June 8, 2007, monitored the 211 components;</p> <p>c. By June 21, 2007, updated site operating procedure (SP-33) to reflect air monitoring requirements using Method 21 for off-site shipment of waste containers and completed initial training of appropriate personnel;</p> <p>d. On December 17, 2007, submitted an addendum to the Benzene Annual Inspection Report for Calendar Year 2006 to report the failure to monitor 211 components;</p> <p>e. On March 7, 2008, updated the operating procedure for loading material from the Overhead Secondary Decanter;</p> <p>f. By March 31, 2008, updated mailing procedures to ensure that future Excess Emissions Reports will be postmarked on or before the due date; and</p> <p>g. On April 21, 2008, updated the operating procedure for the Organic Sump Receiver.</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. Report the failure to report deviations in the next applicable semi annual deviation reports due after the effective date of this Agreed Order, if the</p>

<p>3) Failure to conduct Method 21 monitoring on 211 components in 2006 in the Boiler-101 area of the Hexamethylene Diamine Production Unit [30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), FOP O-01996, STC No. 1.A., 10.B., and 12.A., 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 61.342(c)(1)(iii) and 61.346(a)(1)(i)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to conduct fugitive emission monitoring on 22 containers containing hazardous waste prior to off-site shipment in 2006. Specifically, the containers with the following Manifest Nos. were not monitored: 82794, 90091, 65073, 106355, 106307, 106306, 3517981, 3517982, 3518086, 94510gbf, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94570, 94571, 94572, 94594, and 94602 [30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), FOP O-01996, STC No. 1.A., 10.B., and 11.A., 40 CFR §§ 61.342(c)(1)(ii) and 61.345(a)(1)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to report failing to monitor 211 components in the Benzene Annual Inspection Report for Calendar Year 2006 submitted on April 5, 2007 [30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), FOP O-01996, STC No. 1.A. and 10.K., 40 CFR § 61.357(d)(8), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to prevent unauthorized emissions. Specifically, 0.1 pound of hazardous air pollutant ("HAP") benzene was released from the Alkaline Waste Tank, emission point number ("EPN") PH3, 370 pounds ("lbs") of the HAP benzene were released from the Organic Sump Receiver, EPN PA39, and 1.7 lbs of the HAP benzene were released from the Secondary Overhead Decanter, EPN PH3, during an emissions event that occurred on March 6, 2008 and lasted 17 hours and five minutes. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), FOP No. O-01897, GTC, STC No. 20, FOP No. O-02075, GTC and STC No. 10, New Source Review Permit No. 1302, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>Respondent has not done this before the effective date of this Agreed Order. When reporting the deviations, the Respondent shall reference this Agreed Order; and</p> <p>b. Within 15 days after completing Ordering Provision No. 2.a. or within 30 days after the effective date of this Agreed Order, whichever is later, 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>
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Attachment A

Docket Number: 2008-1055-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: INVISTA S.a.r.l.
Penalty Amount: Twenty-Five Thousand Six Hundred Sixty-Six Dollars (\$25,666)
SEP Offset Amount: Twelve Thousand Eight Hundred Thirty-Three Dollars (\$12,833)
Type of SEP: Pre-approved
Third-Party Recipient: Texas PTA – *Clean School Bus Program*
Location of SEP: Orange 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 Offset 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 Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas PTA* for the *Clean School Bus Program* in Orange County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts 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. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today’s level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

Texas Congress of Parents and Teachers dba Texas PTA
Clean School Bus Program
Suzy Swan, Director of Finance
408 West 11th Street
Austin, Texas 78707

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

DATES	Assigned	23-Jun-2008	Screening	26-Jun-2008	EPA Due	8-Mar-2009
	PCW	5-Aug-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	INVISTA S.a.r.l.		
Reg. Ent. Ref. No.	RN104392626		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36124	No. of Violations	1
Docket No.	2008-1055-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		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	\$2,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	123.0% Enhancement	Subtotals 2, 3, & 7	\$3,075
Notes	Penalty enhancement due to five NOV's issued for same or similar violations, one NOV issued for dissimilar violations, and five Agreed Orders containing a denial of liability. Penalty reduction due to four Notice of Audit letters submitted.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$625
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$6	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$1,000		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$4,950
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
		Final Penalty Amount	\$4,950
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$4,950
DEFERRAL	20.0% Reduction	Adjustment	-\$990
<small>Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$3,960

Screening Date 26-Jun-2008

Docket No. 2008-1055-AIR-E

PCW

Respondent INVISTA S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No. 36124

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Miriam Hall

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)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	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 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)	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) 123%

>> 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

Penalty enhancement due to five NOVs issued for same or similar violations, one NOV issued for dissimilar violations, and five Agreed Orders containing a denial of liability. Penalty reduction due to four Notice of Audit letters submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 123%

Screening Date 26-Jun-2008	Docket No. 2008-1055-AIR-E	PCW		
Respondent INVISTA S.a.r.l.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36124	<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN104392626				
Media [Statute] Air				
Enf. Coordinator Miriam Hall				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 122.143(4), Federal Operating Permit ("FOP") No. O-01897, General Terms and Conditions ("GTC"), Special Terms and Conditions ("STC") No. 20, FOP No. O-02075, GTC and STC No. 10, New Source Review Permit No. 1302, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, 0.1 pound of hazardous air pollutant ("HAP") benzene was released from the Alkaline Waste Tank, emission point number ("EPN") PH3, 370 pounds ("lbs") of the HAP benzene were released from the Organic Sump Receiver, EPN PA39, and 1.7 lbs of the HAP benzene were released from the Secondary Overhead Decanter, EPN PH3 during an emissions event that occurred on March 6, 2008 and lasted 17 hours and five minutes. Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		25%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%		
Matrix Notes	Human health or the environment in the Beaumont-Port Arthur non-attainment area 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		
		\$2,500		
Violation Events				
Number of Violation Events		1	Number of violation days	
		1		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty	
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
One quarterly event is recommended.		\$2,500		
Good Faith Efforts to Comply			\$625	
		25.0% Reduction		
		Before NOV NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent completed corrective actions on April 21, 2008.			
Violation Subtotal		\$1,875		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$6	Violation Final Penalty Total	
			\$4,950	
		This violation Final Assessed Penalty (adjusted for limits)		
		\$4,950		

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 36124
Reg. Ent. Reference No. RN104392626
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
Delayed Costs							
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)	\$1,000	6-Mar-2008	21-Apr-2008	0.13	\$6	n/a	\$6

Notes for DELAYED costs
 Estimated cost to implement measures designed to to prevent overfilling of the Organic Waste Receiver and overpressuring of the Overhead Secondary Decanter. Date required is the date of the event. Final date is the date corrective actions were completed.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
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 \$1,000 TOTAL \$6



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

TCEQ

DATES	Assigned	21-Apr-2008	Screening	14-May-2008	EPA Due	
	PCW	18-Sep-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	INVISTA S.a.r.l.		
Reg. Ent. Ref. No.	RN104392626		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36124	No. of Violations	5
Docket No.	2008-1055-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Miriam Hall
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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Reduction Subtotal 5

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/> X	(mark with x)

Notes

Approx. Cost of Compliance Enhancement* Subtotal 6
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 14-May-2008

Docket No. 2008-1055-AIR-E

PCW

Respondent INVISTA S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No. 36124

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Miriam Hall

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 (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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 (<i>number of judgments or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
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) 120%

>> 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 for five 1660 orders, four NOVs for same or similar violations, and two other NOVs. The penalty was reduced for four Notices of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 120%

Screening Date 14-May-2008	Docket No. 2008-1055-AIR-E	PCW
Respondent INVISTA S.a.r.l.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36124	<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN104392626		
Media [Statute] Air		
Enf. Coordinator Miriam Hall		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 117.4045(c), 117.4145(c), 122.143(4), Federal Operating Permit ("FOP") No. O-01350, Special Terms and Conditions ("STC") No. 1.A., FOP No. O-01868, STC No. 1.A., and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to submit Excess Emission Reports in a timely manner for the Adipic Acid Unit and the Nitric Acid Unit. Specifically, the reports for first quarter 2007 were submitted four days late and the reports for second and third quarter 2007 were each submitted one day late.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	x	
				Percent <input type="text" value="1%"/>
Matrix Notes	The Respondent met more than 70% of the rule requirement.			
Adjustment				<input type="text" value="\$9,900"/>

Violation Events

Number of Violation Events	<input type="text" value="6"/>	<input type="text" value="12"/>	Number of violation days												
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	Violation Base Penalty <input type="text" value="\$600"/>	
daily	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	x														

One single event is recommended for each late report, six total.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$9"/>	Violation Final Penalty Total <input type="text" value="\$1,357"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,357"/>	

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 36124
Reg. Ent. Reference No. RN104392626
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

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)	\$200	30-Apr-2007	31-Mar-2008	0.92	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to update mailing procedures to ensure that future reports will be postmarked on or before the due date. The date required is the date the first report was due, and the final date is the date of compliance.

Avoided Costs

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

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

\$200

TOTAL

\$9

Screening Date 14-May-2008	Docket No. 2008-1055-AIR-E	PCW
Respondent INVISTA S.a.r.l.	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36124	<small>PCW Revision April 29, 2008</small>	
Reg. Ent. Reference No. RN104392626		
Media [Statute] Air		
Enf. Coordinator Miriam Hall		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), 122.146(5)(C), FOP No. O-01350, General Terms and Conditions ("GTC"), FOP No. O-01868, GTC, FOP O-01996, GTC, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to report all deviations for reporting periods November 16, 2006 through May 15, 2007 and February 6, 2007 through August 5, 2007. Specifically, the Respondent failed to report failing to monitor 211 components on the semiannual deviation report ("SDR") for November 16, 2006 through May 15, 2007 and failed to report four deviations of failing to submit timely Excess Emission Reports for the SDRs for the reporting period of February 6, 2007 through August 5, 2007.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>		<input checked="" type="checkbox"/>
				Percent <input type="text" value="1%"/>	
Matrix Notes	The Respondent met more than 70% of the rule requirement.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One event is recommended for each report, three total. [One for FOP No. O-01996 (November 16, 2006 through May 15, 2007), one for O-01350 (February 6, 2007 through August 5, 2007), and one for O-01868 (February 6, 2007 through August 5, 2007)].

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$11"/>	Violation Final Penalty Total <input type="text" value="\$678"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$678"/>	

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 36124
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 2

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							
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)	\$150	14-Jun-2007	15-Dec-2008	1.51	\$11	n/a	\$11

Notes for DELAYED costs

The estimated cost of providing the missing information from the due date of the first report to the estimated compliance date.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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 \$150 **TOTAL** \$11

Screening Date 14-May-2008

Docket No. 2008-1055-AIR-E

PCW

Respondent INVISTA S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No. 36124

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 122.143(4), FOP O-01996, STC No. 1.A., 10.B., and 12.A., 40 Code of Federal Regulations ("CFR") §§ 61.342(c)(1)(iii), 61.346(a)(1)(i)(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct Method 21 monitoring on 211 components in 2006 in the Boiler-101 area of the Hexamethylene Diamine Production Unit.

Base Penalty

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation. When the components were monitored during the first week of June, 2007, no detectable emissions were measured.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 36124
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
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	\$500	1-Jan-2006	4-Jun-2007	1.42	\$36	n/a	\$36
Training/Sampling	\$5,275	31-Dec-2006	8-Jun-2007	0.44	\$115	n/a	\$115
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 estimated cost of entering all the components into the LEAKDAS (propriety software) Database from date the components should have been entered to date entered, and the estimated cost of monitoring the components from the date they were required to be monitored to the compliance date.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
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 \$5,775 TOTAL \$150

Screening Date 14-May-2008	Docket No. 2008-1055-AIR-E	PCW
Respondent INVISTA S.a.r.l.	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36124	<small>PCW Revision April 29, 2008</small>	
Reg. Ent. Reference No. RN104392626		
Media [Statute] Air		
Enf. Coordinator Miriam Hall		
Violation Number <input type="text" value="4"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(2), 122.143(4), FOP O-01996, STC No. 1.A., 10.B. and 11.A., 40 CFR §§ 61.342(c)(1)(ii), 61.345(a)(1)(i), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to conduct fugitive emission monitoring on 22 containers containing hazardous waste prior to off-site shipment in 2006. Specifically, the containers with the following Manifest Nos. were not monitored: 82794, 90091, 65073, 106355, 106307, 106306, 3517981, 3517982, 3518086, 94510gbf, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94570, 94571, 94572, 94594, and 94602 .	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="25%"/>

>> Programmatic Matrix

	Falsification				
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Matrix Notes	Human health or the environment could have been exposed to significant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.			Percent <input type="text" value="0%"/>

Adjustment

Violation Events

Number of Violation Events <input type="text" value="4"/>	<input type="text" value="24"/>	Number of violation days
mark only one with an x daily <input type="text"/> monthly <input type="text"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input checked="" type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$10,000"/>	

Four quarterly events are recommended from January 6 through December 23, 2006.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$592"/>	Violation Final Penalty Total <input type="text" value="\$22,610"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$22,610"/>	

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 36124
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
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	\$500	6-Jan-2006	21-Jun-2007	1.45	\$36	n/a	\$36
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 estimated cost of corrective measures from the date the first container was required to be monitored to the date measures were implemented. Operating Procedure (SP-33) was updated to reflect air monitoring requirements using Method 21 for off-site shipments, and initial training was provided to the appropriate personnel. Procedures for annual refresher training were also implemented.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$550	6-Jan-2006	23-Dec-2006	0.96	\$26	\$529	\$555
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

The estimated avoided cost of failing to monitor 22 containers from the first day shipped to last day shipped.

Approx. Cost of Compliance TOTAL

\$1,050	\$592
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Screening Date 14-May-2008

Docket No. 2008-1055-AIR-E

PCW

Respondent INVISTA S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No. 36124

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 122.143(4), FOP O-01996, STC No. 1.A. and 10.K., 40 CFR § 61.357(d)(8), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report failing to monitor 211 components in the Benzene Annual Inspection Report for Calendar Year 2006 submitted on April 5, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1%"/>
Matrix Notes	<input type="text" value="The Respondent met more than 70% of the rule requirement."/>			

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text" value="x"/>	

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 36124
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$100	5-Apr-2007	17-Dec-2007	0.70	\$4	n/a	\$4

Notes for DELAYED costs

The estimated cost of supplying the additional information from the date the first report was submitted to the date an addendum was submitted.

Avoided Costs

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

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

T

Approx. Cost of Compliance

\$100

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator:	CN602582231	Invista S.a.r.l.	Classification: AVERAGE	Rating: 3.53
Regulated Entity:	RN104392626	INVISTA SARL SABINE RIVER SITE	Classification: AVERAGE	Site Rating: 14.60
ID Number(s):	AIR NEW SOURCE PERMITS	AFS NUM		4836100244
	AIR NEW SOURCE PERMITS	REGISTRATION		76023
	AIR NEW SOURCE PERMITS	REGISTRATION		76385
	AIR NEW SOURCE PERMITS	REGISTRATION		76134
	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		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		79303
	AIR NEW SOURCE PERMITS	REGISTRATION		78882
	AIR NEW SOURCE PERMITS	REGISTRATION		79923
	AIR NEW SOURCE PERMITS	REGISTRATION		80152
	AIR NEW SOURCE PERMITS	REGISTRATION		80427
	AIR NEW SOURCE PERMITS	REGISTRATION		79898
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX1085
	AIR NEW SOURCE PERMITS	REGISTRATION		81904
	AIR NEW SOURCE PERMITS	REGISTRATION		81967
	AIR NEW SOURCE PERMITS	REGISTRATION		81976
	AIR NEW SOURCE PERMITS	REGISTRATION		81949
	AIR NEW SOURCE PERMITS	REGISTRATION		82408
	AIR NEW SOURCE PERMITS	PERMIT		82405
	AIR NEW SOURCE PERMITS	REGISTRATION		84832
	AIR NEW SOURCE PERMITS	REGISTRATION		84153
	AIR NEW SOURCE PERMITS	REGISTRATION		83014
	AIR NEW SOURCE PERMITS	REGISTRATION		82438
	AIR NEW SOURCE PERMITS	REGISTRATION		83021
	AIR OPERATING PERMITS	PERMIT		1350
	AIR OPERATING PERMITS	PERMIT		1868
	AIR OPERATING PERMITS	PERMIT		1897

AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	2075
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	ACCOUNT NUMBER	OCA002B
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 STORAGE	PERMIT	50395

Location: 3055A FM 1006, ORANGE, TX, 77631 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 03, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 03, 2003 to June 03, 2008

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

Name: Miriam Hall Phone: (512) 239-1044

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.

- Effective Date: 04/29/2006 ADMINORDER 2005-1309-AIR-E (1660)
 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
 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.
- Effective Date: 04/26/2007 ADMINORDER 2006-1506-MLM-E (1660)
 Classification: Major
 Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(13)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(g)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure of the automatic waste feed valve to cutoff when the carbon monoxide (CO) level exceed 100 ppm. (A11, E6)
- Effective Date: 08/31/2007 ADMINORDER 2006-1740-AIR-E (1660)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1302, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limit of 24.0 pounds per hour ("lbs/hr") of VOCs.

Classification: Moderate

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

Rqmt Prov: O-01350 OP
O-01868 OP
O-01996 OP
O-02075 OP

Description: Failed to report all instances of deviations.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.419(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01350 OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01350 OP

Description: Failed to document the daily CEMS calibrations for NOx on the No. 4 nitric acid vent stack.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01350 OP

Description: 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.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1302 PERMIT
1303 PERMIT
1790 PERMIT
O-01868 OP
O-01897 OP
O-01996 OP

Description: Failed to install a cap, blind flange, plug, or a second valve on equipment in volatile organic compound ("VOC") service.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1303 PERMIT
O-01996 OP

Description: Failed to operate within the maximum ammonia ("NH3") concentrations in the scrubber solution.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1303 PERMIT
O-01996 OP

Description: Failed to sample and analyze the NH3 concentration at least once every 12-hour shift when the absorbers are in operation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1303 PERMIT
O-01996 OP

Description: Failed to document the performance of each NH3 audio, olfactory, and visual ("AVO") inspection in the operator's log.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02075 OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1468 PERMIT
O-02075 OP

Description: Failed to check the zero and the span on a daily basis on each CEMS analyzer using an automated procedure.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.319(a)(1)
30 TAC Chapter 117, SubChapter C 117.419(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01868 OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1790 PERMIT
O-01868 OP

Description: 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 from 02/05/2004 through 08/05/2005.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)
30 TAC Chapter 115, SubChapter E 115.412(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01868 OP

Description: Failed to post a permanent and conspicuous label summarizing the operating requirements to minimize emissions on or near the degreaser.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01868 OP

Description: Failed to keep records of the total solvent makeup on a monthly basis for the degreaser.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01868 OP

Description: Failed to conduct annual opacity observations of stationary vents.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.313(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01868 OP

Description: Failed to monitor NOx emissions using a CEMS on the absorber vent.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01868 OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.319(a)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01868 OP

Description: Failed to submit a copy of a CEMS performance evaluation within 60 days following the evaluation. Specifically, the RATA of August 19, 2005 on the NOx CEMS for the N2O/NOx abater was submitted late.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to record a minimum of 98% of the daily flare observations for the operating flare [emission point number ("EPN") PP-3].

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain a complete daily loading/unloading record for land-based VOC transfer to and from transport vessels.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter E 113.3050
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to monitor pumps monthly, as specified in the consolidated federal air rule, in the ADN production area.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1302 PERMIT

Description: Failed to repair two fugitive components (tag Nos. 03920 and 03960) no later than 15 calendar days after the leaks were found.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1303 PERMIT
O-01996 OP

Description: Failed to properly document NH3 leaks found during AVO inspections of the hexamethylene diamine unit.

Effective Date: 02/18/2008

ADMINORDER 2007-0800-AIR-E (1660)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization for air contaminants that were emitted to the air of this state.

Effective Date: 04/14/2008

ADMINORDER 2007-1392-AIR-E (1660)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1468, Special Condition 1 PERMIT
O-02075, General Terms and Conditions OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1302, Special Condition 1 PERMIT
O-01897, General Terms and Conditions OP
O-01897, Special Condition 20 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

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. (CEDES Inv. Track. No.)

1	01/09/2005	(342338)
2	01/09/2005	(342430)
3	04/01/2005	(350766)
4	04/28/2005	(373043)
5	05/24/2005	(379312)
6	05/24/2005	(379315)
7	05/24/2005	(379319)
8	05/24/2005	(379320)
9	05/25/2005	(375873)
10	06/02/2005	(380479)
11	06/02/2005	(380477)
12	06/02/2005	(380478)
13	06/14/2005	(380139)
14	06/16/2005	(375902)
15	07/13/2005	(371442)
16	07/15/2005	(396196)
17	07/19/2005	(399166)
18	08/01/2005	(400359)
19	08/10/2005	(404172)
20	08/10/2005	(400558)
21	08/10/2005	(398957)
22	08/23/2005	(403155)
23	08/29/2005	(401553)
24	12/20/2005	(435764)
25	02/04/2006	(452682)
26	02/04/2006	(452802)
27	02/04/2006	(452777)
28	02/24/2006	(455241)
29	02/24/2006	(455270)
30	02/28/2006	(456852)
31	02/28/2006	(454898)
32	03/29/2006	(455158)
33	03/29/2006	(454950)
34	03/31/2006	(455654)
35	03/31/2006	(455549)
36	04/04/2006	(457614)
37	04/12/2006	(457852)
38	04/17/2006	(460939)
39	04/17/2006	(460954)
40	04/17/2006	(460946)
41	04/21/2006	(454956)
42	04/21/2006	(454957)
43	04/21/2006	(454958)
44	04/21/2006	(454959)
45	06/16/2006	(463560)
46	06/16/2006	(463571)
47	06/21/2006	(464221)
48	06/23/2006	(481019)
49	06/23/2006	(481017)
50	06/23/2006	(480996)
51	07/20/2006	(485968)
52	07/20/2006	(485969)
53	07/20/2006	(485963)
54	07/20/2006	(485971)
55	07/20/2006	(484913)
56	07/24/2006	(461204)
57	07/26/2006	(481814)
58	08/22/2006	(466183)
59	08/22/2006	(465303)
60	10/06/2006	(512239)
61	12/28/2006	(514339)
62	02/05/2007	(537778)
63	02/23/2007	(541266)
64	02/23/2007	(538459)

65 03/12/2007 (541590)
66 03/12/2007 (541557)
67 03/12/2007 (541574)
68 04/21/2007 (535339)
69 04/25/2007 (555441)
70 04/25/2007 (555450)
71 04/25/2007 (555458)
72 04/25/2007 (555461)
73 04/27/2007 (541223)
74 05/14/2007 (557950)
75 05/14/2007 (557957)
76 05/14/2007 (538489)
77 05/14/2007 (557953)
78 06/12/2007 (557102)
79 06/23/2007 (539926)
80 07/25/2007 (565849)
81 08/09/2007 (571422)
82 08/16/2007 (571631)
83 08/22/2007 (570261)
84 08/30/2007 (562644)
85 08/30/2007 (566856)
86 08/30/2007 (568012)
87 08/30/2007 (571333)
88 09/10/2007 (572212)
89 09/14/2007 (567770)
90 09/17/2007 (594734)
91 10/12/2007 (574446)
92 10/15/2007 (574456)
93 11/05/2007 (593742)
94 12/04/2007 (561550)
95 12/17/2007 (609889)
96 01/07/2008 (596377)
97 01/15/2008 (610016)
98 01/22/2008 (609076)
99 03/19/2008 (619136)
100 03/25/2008 (637392)
101 03/25/2008 (637395)
102 03/25/2008 (637396)
103 04/14/2008 (639247)
104 04/17/2008 (615716)
105 04/29/2008 (646607)
106 04/29/2008 (646608)
107 04/29/2008 (640225)
108 04/29/2008 (640223)
109 04/29/2008 (640226)
110 04/29/2008 (646605)
111 04/29/2008 (646610)
112 05/07/2008 (640695)
113 05/16/2008 (642022)
114 05/23/2008 (680204)

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

Date: 06/14/2005 (380139)

Self Report? 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 Report? 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 Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)

Description: Failure to properly complete hazardous waste manifests.

Date: 05/15/2007 (538489)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to submit an annual compliance certification no later than 30 days after the end of the certification period.		
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 THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to submit a deviation report no later than 30 days after the end of the reporting period.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01868		
Description:	Failure to conduct quarterly fugitive monitoring.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter C 117.419(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01868		
Description:	Failure to furnish to the executive director, copies of CEMS performance evaluations within 60 days after the completion of the evaluations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter C 117.313(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01868		
Description:	Failure to furnish the Administrator within 60 days of a performance evaluation, two copies of a written report of the results of the performance evaluation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter C 117.313(d) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01868		
Description:	Failure to establish a conversion factor for the purpose of converting monitoring data into units of the emission standard.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 1790 OP O-01868		
Description:	Failure to conduct an internal floating roof tank inspection at least once every 12 months after initial fill.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01868 OP O-01996		
Description:	Failure to conduct quarterly opacity observations.		
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 THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 1303 OP O-01996		
Description:	Failure to operate the absorber in accordance with the representations in the confidential material submitted with the permit application, PI 1 dated August 1, 1996 and the permit alteration request dated May 11, 1998.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 1303
 OP O-01996
 Description: Failure to sample and analyze the NH3 concentration at least once every 12-hour shift when the absorbers were in operation.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1303
 OP O-01996
 Description: Failure to note the performance of each inspection in the operator's log.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1303
 OP O-01996
 Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug or second valve.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01996
 Description: Failure to make a first attempt at repairing a leak no later than five calendar days after a leak is found.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.144(3)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP O-01996
 Description: Failure to install a monitor to continuously monitor and record the temperature of the gas stream either in the combustion chamber or immediately down stream. The monitoring of CO to determine a 98% DRE is not an approved method.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(b)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to get authorization for the NH3 emissions from PE-41 and VOC emissions from PE-70.

Date: 06/13/2007 (557102)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-02075, Special Condition 2F
 Description: Failure to properly maintain records of an emissions event (Incident Number 88653).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1302, Special Condition 1
 OP FOP O-02075 General Terms and Conditions
 OP FOP O-02075, Special Condition 10
 Description: Failure to maintain an emission rate below the allowable emission limit. B19(g)(1)

Date: 08/31/2007 (562644)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01897, General Terms and Conditions
 OP O-01897, Special Condition 1A
 OP O-01897, Special Condition 3(B)(iv)(3)

Description: Failure to maintain a visible emission observation record for the 2006 Second

Quarter as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 20, 2006 to October 20, 2006.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to conduct quarterly emission observations as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 20, 2006 to October 20, 2006.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 113, SubChapter E 113.3050 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 1302, Special Condition 5E OP O-01897, General Terms and Conditions OP O-01897, Special Condition 1A OP O-01897, Special Condition 20		
Description:	Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006, to October 20, 2006, and October 21, 2006, to April 20, 2007.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter E 113.3050 30 TAC Chapter 115, SubChapter D 115.354(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.107(b)(4) 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.119(c)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 1302, Special Condition 5E OP O-01897, General Terms and Conditions OP O-01897, Special Condition 1A OP O-01897, Special Condition 20		
Description:	Failure to conduct weekly audible, visual, or olfactory inspections of flanges as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(11) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01897, General Terms and Conditions OP O-01897, Special Condition 1A		
Description:	Failure to leak-check all new connectors within 30 days of being placed in VOC service as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01897, General Terms and Conditions OP O-01897, Special Condition 19 OP O-01897, Special Condition 1A		
Description:	Failure to conduct monthly visual inspection of the cold solvent degreaser (EPN FF900) as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 20, 2006 to October 20, 2006.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.164(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01897, General Terms and Conditions		

OP O-01897, Special Condition 1A

Description: Failure to estimate the uncontrolled annual emission total for the batch process vents in the ADN/Promoter Unit as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.166(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01897, General Terms and Conditions
OP O-01897, Special Condition 1A

Description: Failure to maintain batch process vent stream parameter records as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1302, Special Condition 4C
OP O-01897, General Terms and Conditions
OP O-01897, Special Condition 12
OP O-01897, Special Condition 15
OP O-01897, Special Condition 1A
OP O-01897, Special Condition 20

Description: Failure to properly operate a flare as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)(2)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1302, Special Condition 4
OP O-01897, General Terms and Conditions
OP O-01897, Special Condition 1A
OP O-01897, Special Condition 20

Description: Failure to properly maintain the required records documenting the Startup, Shutdown, and Maintenance Plan (SSMP) procedures were followed as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 20, 2006, to October 20, 2006, and October 21, 2006 to April 20, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01897, General Terms and Conditions
OP O-01897, Special Condition 1A

Description: Failure to properly maintain loading inspection forms as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006, to October 20, 2006 and October 21, 2006, to April 20, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.105(a)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.106(d)(1)

Rqmt Prov: 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01897, General Terms and Conditions
 OP O-01897, Special Condition 1A

Description: Failure to repair two valves within the 15 day requirement period as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 20, 2006, to October 20, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01897, General Terms and Conditions
 OP O-01897, Special Condition 1A
 OP O-01897, Special Condition 23

Description: Failure to comply with the deadlines provided in the Compliance Plan and Schedule as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2006, to April 20, 2007.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01897, General Terms and Conditions
 OP O-01897, Special Condition 1A

Description: Failure to report two deviations during the semi-annual deviation report as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2006, to April 20, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 30 TAC Chapter 115, SubChapter E 115.412(1)(F)(iv)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01897, General Terms and Conditions
 OP O-01897, Special Condition 19
 OP O-01897, Special Condition 1A

Description: Failure to properly maintain a cold solvent cleaner as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2006, to April 20, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.144(3)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01897, General Terms and Conditions
 OP O-01897, Special Condition 1A

Description: Failure to install a monitor to continuously monitor and record the temperature of the gas stream either in the combustion chamber or immediately downstream for the North ADN Boiler and Stack (EPN PP-40B) and the South ADN Boiler and Stack (EPN PP-40A), as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2006, to April 20, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110(e)(2)(i)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01897, General Terms and Conditions
 OP O-01897, Special Condition 14
 OP O-01897, Special Condition 1A

Description: Failure to complete analysis of Resource Conservation and Recovery Act (RCRA) applicability for the ADN Manufacturing Unit, as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2006, to April 20, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1468, Special Condition 4

OP O-02075, General Terms and Conditions
 OP O-02075, Special Condition 1A
 OP O-02075, Special Condition 9
 Description: Failure to maintain the stack gas concentration of Carbon Monoxide (CO) below 100 parts per million by volume (ppmv) as reported in the Deviation Report for FOP O-02075 covering the reporting period of December 23, 2005, to June 23, 2006.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-02075, General Terms and Conditions
 Description: Failure to conduct a visual emission observation for South ADN Boiler as reported in the Deviation Report for FOP O-02075 covering the reporting period of December 23, 2005, to June 23, 2006.
 B1; MODERATE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 1387, Special Condition 6
 PERMIT 1387, Special Condition 8B
 PERMIT 1387, Special Condition 9B
 OP O-01898, General Terms and Conditions
 OP O-01898, Special Condition 1A
 OP O-01898, Special Condition 2H
 OP O-01898, Special Condition 7
 Description: Failure to maintain the stack gas concentration of Carbon Monoxide (CO) below 100 parts per million by volume (ppmv) as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to March 17, 2007.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01898, General Terms and Conditions
 OP O-01898, Special Condition 1A
 OP O-01898, Special Condition 6
 Description: Failure to conduct monthly Method 9 observations of Stack 3 (EPN 11BLR-003) and Stack 4 (EPN 11BLR-004) as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

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 THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01898, General Terms and Conditions
 OP O-01898, Special Condition 1A
 OP O-01898, Special Condition 7
 Description: Failure to conduct daily calibrations on CO CEMS as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(j)(1)(ii)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 1387, Special Condition 8B
 OP O-01898, General Terms and Conditions
 OP O-01898, Special Condition 1A
 OP O-01898, Special Condition 7
 Description: Failure to operate CO CEMS on a continuous basis as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

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 THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 1387, Special Condition 8B
 OP O-01898, General Terms and Conditions
 OP O-01898, Special Condition 1A
 OP O-01898, Special Condition 7
 Description: Failure to maintain all documentation of calibration gases as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

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 THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1387, Special Condition 6
 OP O-01898, General Terms and Conditions
 OP O-01898, Special Condition 1A
 OP O-01898, Special Condition 7
 Description: Failure to maintain the combustion chamber temperature for Boiler 7 (EPN B7) as reported in the Deviation Report for FOP O-01898 covering the reporting period of September 18, 2006, to March 17, 2007.

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 THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1387, Special Condition 9C
 OP O-01898, General Terms and Conditions
 OP O-01898, Special Condition 1A
 Description: Failure to notify the TCEQ of a CEMS downtime in excess of 48 hours as reported in the Deviation Report for FOP O-01898 covering the reporting period of September 18, 2006, to March 17, 2007.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 117, SubChapter F 117.4145(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01350, General Terms and Conditions
 OP O-01350, Special Condition 1A
 OP O-01350, Special Condition 4B
 OP O-01350, Special Condition 4E
 Description: Failure to submit a copy of a Continuous Emissions Monitoring Systems (CEMS) performance evaluation within 60 days as reported in the Deviation Report for FOP O-01350 covering the reporting period of February 23, 2006, to August 22, 2006.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 117, SubChapter F 117.4140(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01350, General Terms and Conditions
 OP O-01350, Special Condition 1A
 OP O-01350, Special Condition 4E
 Description: Failure to include all required data with the Cylinder Gas Audit (CGA) as reported in the Deviation Report for FOP O-01350 covering the reporting period of February 23, 2006 to August 22, 2006.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01350, General Terms and Conditions
 OP O-01350, Special Condition 1A
 OP O-01350, Special Condition 3(A)(iv)(3)
 Description: Failure to maintain flare operation logs as reported in the Deviation Report for FOP O-01350 covering the reporting period of February 23, 2006 to August 22, 2006.

Date: 01/08/2008 (596377)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 115, SubChapter B 115.122(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 1468, Special Condition 4
OP O-02075, General Terms and Conditions
OP O-02075, Special Condition 10
OP O-02075, Special Condition 1A

Description: Failure to maintain the stack gas concentration of CO below 100 ppmv as reported in the Deviation Reports for FOP O-02075 covering the reporting periods of June 24, 2006, to December 23, 2006, and December 24, 2006, to June 23, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-2075, Special Condition 10

Description: Failure to submit an annual compliance certification and a semi-annual deviation report within the established timeframes.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 1468, Special Condition 7B
OP O-02075, General Terms and Conditions
OP O-02075, Special Condition 10
OP O-02075, Special Condition 1A

Description: Failure to conduct daily calibrations for North and South ADN Boiler (EPNs PP-40A and PP-40B) as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02075, General Terms and Conditions
OP O-02075, Special Condition 1A

Description: Failure to conduct a monthly Test Method 9 reading for North ADN Boiler (EPN PP-40A) and South ADN Boiler (EPN PP-40B) as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 1468, Special Condition 7B
OP O-02075, General Terms and Conditions
OP O-02075, Special Condition 10

Description: Failure to complete a Cylinder Gas Audit (CGA) for North ADN Boiler (EPN PP-40B) during the third quarter of 2006 as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02075, General Terms and Conditions
OP O-02075, Special Condition 14

Description: Failure to submit progress reports according to the Application Compliance Plan and Schedule (ACPS) as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006, and December 24, 2006, through June 23, 2007.

Date: 04/17/2008 (640064)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
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)
Rqmt Prov: OP O-01996, General Terms and Conditions
OP O-01996, Special Condition 14
OP O-01996, Special Condition 2H
PERMIT Permit 1303, Special Condition 2
Description: Failure to maintain the Ammonia (NH3) concentration below the maximum concentration at the Low Pressure Absorber (LPA) as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of August 6, 2006, through November 15, 2006, and November 16, 2007, through May 15, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)(B)
30 TAC Chapter 115, SubChapter B 115.144(3)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP O-01996, General Terms and Conditions
OP O-01996, Special Condition 1A
Description: Failure to install and operate a continuous temperature monitoring device, and to properly control Volatile Organic Compound (VOC) vent gas streams, as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of August 6, 2006, through November 15, 2006; November 16, 2006, through May 15, 2007; and May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
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)
Rqmt Prov: OP O-01868, General Terms and Conditions
OP O-01868, Special Condition 11
OP O-01868, Special Condition 1A
OP O-01996, General Terms and Conditions
OP O-01996, Special Condition 14
OP O-01996, Special Condition 1A
PERMIT Permit 1303, Special Condition 7E
PERMIT Permit 1790, Special Condition 1E
Description: Failure to conduct VOC Audio, Visual, and Olfactory (AVO) Inspections as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of August 6, 2006, through November 15, 2006, and from May 16, 2007, through November 15, 2007, and the Deviation Reports for FOP O-01868 covering the reporting periods of August 6, 2006, through February 5, 2007, and February 6, 2007, through August 5, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of August 6, 2006, through November 15, 2006; November 16, 2006, through May 15, 2007; and May 16, 2007, through November 15, 2007, and in the Deviation Reports for FOP O-01868 covering the reporting periods of August 6, 2006, through February 5, 2007, and February 6, 2007, through August 5, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP O-01350, General Terms and Conditions
OP O-01350, Special Condition 7
OP O-01868, General Terms and Conditions
OP O-01868, Special Condition 12

OP O-01996, General Terms and Conditions
 OP O-01996, Special Condition 15
 Description: Failure to maintain a copy of a Permit By Rule (PBR) as reported in the Deviation Reports for FOP O-01996 covering the reporting period of August 6, 2006, through November 15, 2006; FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007; and FOP O-01350 covering the reporting period of August 23, 2006, to February 5, 2007.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)
 30 TAC Chapter 115, SubChapter E 115.412(1)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP O-01996, General Terms and Conditions
 OP O-01996, Special Condition 15
 OP O-01996, Special Condition 1A

Description: Failure to permanently attach a label to the solvent degreaser (EPN PE-65) as reported in the Deviation Reports for FOP O-01996 covering the reporting period of August 6, 2006, through November 15, 2006.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
 5C THSC Chapter 382 382.085(b).
 Rqmt Prov: OP O-01996, General Terms and Conditions
 Description: Failure to report deviations.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP O-01996, General Terms and Conditions
 OP O-01996, Special Condition 3B(iii)(1)
 Description: Failure to perform quarterly visible emission observations as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)
 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)
 Rqmt Prov: OP O-01996, General Terms and Conditions
 OP O-01996, Special Condition 14
 OP O-01996, Special Condition 1A
 PERMIT Permit 1303, Special Condition 7K
 Description: Failure to document repairs on components in heavy liquid service as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Minor
 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)
 Rqmt Prov: OP O-01996, General Terms and Conditions
 OP O-01996, Special Condition 14
 PERMIT Permit 1303, Special 9E
 Description: Failure to conduct a NH3 AVO Inspection for Building 317 as reported in the Deviation Report for FOP O-01996 covering the reporting period of May 16, 2007, through November 15, 2007.

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)
 Rqmt Prov: OP O-01996, General Terms and Conditions
 OP O-01996, Special Condition 14
 PERMIT Permit 1303, Special Condition 3
 Description: Failure to collect samples and analyze of the NH3 concentration as reported in the Deviation Report for FOP O-01996 covering the reporting period of May 16, 2007, through November 15, 2007.

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)		
Rqmt Prov:	PERMIT 1303, Special Condition 2 OP O-01996, General Terms and Conditions OP O-01996, Special Condition 14		
Description:	Failure to maintain the control efficiency at EPN PE-21 above the limit represented in the permit application as reported in the Deviation Report for FOP O-01996 covering the reporting period of May 16, 2007, through November 15, 2007.		
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)		
Rqmt Prov:	OP O-01996, General Terms and Conditions OP O-01996, Special Condition 14 PERMIT Permit 1303, Special Condition 9E		
Description:	Failure to document repairs of leaking components in ammonia (NH3) service as reported in the Deviation Reports for FOP O-01996 covering the reporting period of May 16, 2007, through November 15, 2007.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP O-01996, General Terms and Conditions OP O-01996, Special Condition 10G OP O-01996, Special Condition 1A		
Description:	Failure to maintain a signed and dated statement that the wastewater treatment system unit is designed to operate at the documented performance level when the waste stream entering the unit is at the highest waste stream flow rate and the pollutant Benzene is expected to be present as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP O-01996, General Terms and Conditions OP O-01996, Special Condition 10G OP O-01996, Special Condition 1A		
Description:	Failure to maintain a sign and dated statement verifying the closed-vent system and control device is designed to operate at the documented performance level when the waste management unit is vented to the control device as reported in the Deviation Reports for FOP O-01996 covering the reporting period of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(iii) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP O-01996, General Terms and Conditions OP O-01996, Special Condition 1A		
Description:	Failure to destroy Benzene in the waste stream by incineration as reported in the Deviation Reports for FOP O-01996 covering the reporting period of November 16, 2006, through May 15, 2007.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP O-01868, General Terms and Conditions OP O-01868, Special Condition 10		
Description:	Failure to conduct formal monthly inspections of equipment as reported in the		

Deviation Reports for FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007, and February 6, 2007, through August 5, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 117, SubChapter F 117.4040(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01868, General Terms and Conditions
OP O-01868, Special Condition 1A
OP O-01868, Special Condition 1F

Description: Failure to calibrate the Nitrogen Oxide Analyzer prior to startup as reported in the Deviation Reports for FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007.

Self Report? NO Classification: Minor

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)

Rqmt Prov: OP O-01868, General Terms and Conditions

Description: Failure to submit a deviation report in a timely manner.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01868, General Terms and Conditions

OP O-01868, Special Condition 1A
OP O-01868, Special Condition 3A(iv)(1)
OP O-01868, Special Condition 3B(iv)(1)

Description: Failure to conduct Method 9 observations as reported in the Deviation Reports for FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007.

Self Report? NO Classification: Moderate

Citation: 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)

Rqmt Prov: OP O-01350, General Terms and Conditions

OP O-01350, Special Condition 1A

Description: Failure to maintain flare operational logs as reported in the Deviation Reports for FOP O-01350 covering the reporting period of August 6, 2006, to February 5, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter F 117.4140(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01350, General Terms and Conditions

OP O-01350, Special Condition 1A
OP O-01350, Special Condition 4E

Description: Failure to calibrate the CEMS within 24 hours after a unit startup as reported in the Deviation Reports for FOP O-01350 covering the reporting period of August 23, 2006, to February 5, 2007.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP O-01350, General Terms and Conditions

OP O-01350, Special Condition 3A(iv)(4)

Description: Failure to properly conduct opacity readings as reported in the Deviation Reports for FOP O-01350 covering the reporting period of February 6, 2007, through August 5, 2007.

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.A.R.L.
RN104392626**

§
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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-1055-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 manufacturing plant at 3055A Farm-to-Market Road 1006 in Orange, 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 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 notices of the violations alleged in Section II ("Allegations") on or about April 22 and June 16, 2008.
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 Thirty-Two Thousand Eighty-Two Dollars (\$32,082) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Eight Hundred Thirty-Three Dollars (\$12,833) of the administrative penalty and Six Thousand Four Hundred Sixteen Dollars (\$6,416)



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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. Twelve Thousand Eight Hundred Thirty-Three Dollars (\$12,833) 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 recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On June 4, 2007, uploaded 211 missing components into the LEAKDAS (propriety software) Database;
 - b. On June 8, 2007, monitored the 211 components;
 - c. By June 21, 2007, updated site operating procedure (SP-33) to reflect air monitoring requirements using Method 21 for off-site shipment of waste containers and completed initial training of appropriate personnel;
 - d. On December 17, 2007, submitted an addendum to the Benzene Annual Inspection Report for Calendar Year 2006 to report the failure to monitor 211 components;
 - e. On March 7, 2008, updated the operating procedure for loading material from the Overhead Secondary Decanter;
 - f. By March 31, 2008, updated mailing procedures to ensure that future Excess Emissions Reports will be postmarked on or before the due date; and
 - g. On April 21, 2008, updated the operating procedure for the Organic Sump Receiver.
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 the Respondent 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, the Respondent is alleged to have:

1. Failed to submit Excess Emission Reports in a timely manner for the Adipic Acid Unit and the Nitric Acid Unit, in violation of 30 TEX. ADMIN. CODE §§ 117.4045(c), 117.4145(c), 122.143(4), Federal Operating Permit ("FOP") No. O-01350, Special Terms and Conditions ("STC") No. 1.A., FOP No. O-01868, STC No. 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 24, 2008. Specifically, the reports for first quarter 2007 were submitted four days late and the reports for second and third quarter 2007 were each submitted one day late.
2. Failed to report all deviations for reporting periods November 16, 2006 through May 15, 2007 and February 6, 2007 through August 5, 2007, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(5)(C), FOP No. O-01350, General Terms and Conditions ("GTC"), FOP No. O-01868, GTC, FOP O-01996, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 24, 2008. Specifically, the Respondent failed to report failing to monitor 211 components on the semiannual deviation report ("SDR") for November 16, 2006 through May 15, 2007, and failed to report four deviations of failing to submit timely Excess Emission Reports for the SDRs for the reporting period of February 6, 2007 through August 5, 2007.
3. Failed to conduct Method 21 monitoring on 211 components in 2006 in the Boiler-101 area of the Hexamethylene Diamine Production Unit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), FOP O-01996, STC No. 1.A., 10.B., and 12.A., 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 61.342(c)(1)(iii), 61.346(a)(1)(i)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 24, 2008.
4. Failed to conduct fugitive emission monitoring on 22 containers containing hazardous waste prior to off-site shipment in 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), FOP O-01996, STC No. 1.A., 10.B., and 11.A., 40 CFR §§ 61.342(c)(1)(ii), 61.345(a)(1)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 24, 2008. Specifically, the containers with the following Manifest Nos. were not monitored: 82794, 90091, 65073, 106355, 106307, 106306, 3517981, 3517982, 3518086, 94510gbf, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94570, 94571, 94572, 94594, and 94602.
5. Failed to report failing to monitor 211 components in the Benzene Annual Inspection Report for Calendar Year 2006 submitted on April 5, 2007, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), FOP O-01996, STC No. 1.A. and 10.K., 40 CFR § 61.357(d)(8), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 24, 2008.
6. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01897, GTC, STC No. 20, FOP No. O-02075, GTC and STC No. 10, New Source Review Permit No. 1302, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 30, 2008. Specifically, 0.1 pound of hazardous air pollutant ("HAP") benzene was released from the Alkaline Waste Tank, emission point number ("EPN") PH3, 370 pounds ("lbs") of the

HAP benzene were released from the Organic Sump Receiver, EPN PA39, and 1.7 lbs of the HAP benzene were released from the Secondary Overhead Decanter, EPN PH3, during an emissions event that occurred on March 6, 2008 and lasted 17 hours and five minutes. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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. 2008-1055-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, Twelve Thousand Eight Hundred Thirty-Three Dollars (\$12,833) of the assessed administrative penalty shall be offset with the condition that the Respondent implement 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. Report the failure to report deviations, as described in Section II, Paragraph 2, in the next applicable semi annual deviation reports due after the effective date of this Agreed Order if the Respondent has not done this before the effective date of this Agreed Order. When reporting the deviations, the Respondent shall reference this Agreed Order; and
 - b. Within 15 days after completing Ordering Provision No. 3.a. or within 30 days after the effective date of this Agreed Order, whichever is later, 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 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 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 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 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 Szalai

For the Executive Director

Date 1/30/2009

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.

Mark D. McPherson

Signature

10/31/2008

Date

Mark D. McPherson

Name (Printed or typed)
Authorized Representative of
INVISTA S.a.r.l.

Plant 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: 2008-1055-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: INVISTA S.a.r.l.
Penalty Amount: Twenty-Five Thousand Six Hundred Sixty-Six Dollars (\$25,666)
SEP Offset Amount: Twelve Thousand Eight Hundred Thirty-Three Dollars (\$12,833)
Type of SEP: Pre-approved
Third-Party Recipient: Texas PTA – *Clean School Bus Program*
Location of SEP: Orange 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 Offset 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 Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas PTA* for the *Clean School Bus Program* in Orange County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts 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. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today’s level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

Texas Congress of Parents and Teachers dba Texas PTA
Clean School Bus Program
Suzy Swan, Director of Finance
408 West 11th Street
Austin, Texas 78707

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the implementation of data-driven decision-making processes. It provides a detailed overview of the steps involved in identifying key performance indicators (KPIs) and using data to inform strategic decisions.

4. The fourth part of the document discusses the challenges and risks associated with data management and analysis. It offers practical advice on how to mitigate these risks and ensure the integrity and security of the data.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that the data-driven approach remains effective and relevant in a rapidly changing business environment.