

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1609-AIR-E TCEQ ID: RN104392626 CASE NO.: 36646
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 is one additional pending enforcement action regarding this facility location, Docket No. 2008-1055-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 March 16, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 21, 2008</p> <p>Date of NOV/NOE Relating to this Case: August 21, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to maintain the minimum net heating value of 200 British thermal units per standard cubic foot ("Btu/scf") in the gas stream going to the Adiponitrile ("ADN") Operating Flare (Emission Point No. FH3). Specifically, on April 25, 2007, from approximately 08:00 to 17:00, the net heating value of the gas stream was estimated to be within the range of 166 to 193 Btu/scf, and on September 19, 2007, from 10:00 to 12:00, the net heating value was between 189 to 193 Btu/scf [30 TEX. ADMIN. CODE §§ 101.20(1), 113.100, 113.120, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.18(c)(3)(ii), 60.702(b), 63.11(b)(6)(ii), and 63.113(a)(1)(i), Federal Operating Permit No. O-01897, Special Terms and Conditions Nos. 1.A., 12, and 20, New Source Review Permit No. 1302, Special Conditions Nos. 2(3) and 4.B., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$3,680</p> <p>Total Deferred: \$736 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,944</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 by November 19, 2007, the Respondent optimized the set point to ensure that sufficient natural gas is supplied to the ADN Operating Flare to maintain a minimum net heating value greater than 200 Btu/scf during standard operating mode as a corrective measure at the Plant.</p>

Additional ID No(s): OCA002B



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	25-Aug-2008			
	PCW	9-Oct-2008	Screening	1-Oct-2008	EPA Due 18-May-2009

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.	36646	No. of Violations	1
Docket No.	2008-1609-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	\$2,000
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	109.0% Enhancement	Subtotals 2, 3, & 7 \$2,180
Notes	The penalty was enhanced for seven unrelated NOVs and five 1660 orders. The penalty was reduced for five Notices of Audit.	
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 \$500
Economic Benefit	0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$14	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,680
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	\$3,680
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$3,680
DEFERRAL	20.0% Reduction	Adjustment -\$736
<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		\$2,944

Screening Date 1-Oct-2008	Docket No. 2008-1609-AIR-E	PCW
Respondent INVISTA S.a.r.l.		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 36646		<i>PCW Revision June 12, 2008</i>
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>	0	0%
	Other written NOVs	7	14%
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 judgements 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>	5	-5%
	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) 109%

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

No	Adjustment Percentage (Subtotal 3) 0%
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>> **Compliance History Person Classification (Subtotal 7)**

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> **Compliance History Summary**

Compliance History Notes	The penalty was enhanced for seven unrelated NOVs and five 1660 orders. The penalty was reduced for five Notices of Audit.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 109%

Screening Date 1-Oct-2008	Docket No. 2008-1609-AIR-E	PCW	
Respondent INVISTA S.a.r.l.		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36646		<i>PCW Revision June 12, 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 §§ 101.20(1), 113.100, 113.120, 116.115(c), and 122.143(4), 40 Code of Federal Regulations §§ 60.18(c)(3)(ii), 60.702(b), 63.11(b)(6)(ii), and 63.113(a)(1)(i), Federal Operating Permit No. O-01897, Special Terms and Conditions Nos. 1.A., 12, 20, New Source Review Permit No. 1302, Special Conditions Nos. 2(3) and 4.B., and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to maintain the minimum net heating value of 200 British thermal units per standard cubic foot ("Btu/scf") in the gas stream going to the Adiponitrile Operating Flare (Emission Point No. FH3). Specifically, on April 25, 2007, from approximately 08:00 to 17:00, the net heating value of the gas stream was estimated to be within the range of 166 to 193 Btu/scf, and on September 19, 2007, from 10:00 to 12:00, the net heating value was between 189 to 193 Btu/scf.		
	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"/>	<input type="text"/>	x
		Percent	<input type="text" value="10%"/>
>> Programmatic Matrix			
	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<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.		
	Adjustment	<input type="text" value="\$9,000"/>	
		Adjustment	<input type="text" value="\$1,000"/>
Violation Events			
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days
		<input type="text" value="2"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,000"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	
	Two single events are recommended.		
Good Faith Efforts to Comply			
	25.0% Reduction		\$500
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	x	<input type="text"/>	
N/A	<input type="text"/>	(mark with x)	
Notes	Corrective measures were completed by November 19, 2007 and the NOE was issued on August 21, 2008.		
	Violation Subtotal	<input type="text" value="\$1,500"/>	
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount	<input type="text" value="\$14"/>	Violation Final Penalty Total	<input type="text" value="\$3,680"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$3,680"/>

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 36646
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)	\$500	25-Apr-2007	19-Nov-2007	0.57	\$14	n/a	\$14

Notes for DELAYED costs

The estimated cost for optimizing the set point to ensure that sufficient natural gas is supplied to the flare to maintain a minimum net heating value greater than 200 Btu/scf during standard operating mode. The Date Required is the first day a violation was documented, and the Final Date is the date the corrective actions were completed.

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

\$500

TOTAL

\$14

Compliance History Report

Customer/Respondent/Owner-Operator: CN602582231 INVISTA S.a.r.l. Classification: AVERAGE Rating: 3.62
 Regulated Entity: RN104392626 INVISTA SARL SABINE RIVER SITE Classification: AVERAGE Site Rating: 12.47

ID Number(s):			
	AIR NEW SOURCE PERMITS	AFS NUM	4836100244
	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	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	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	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	85930
	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 NEW SOURCE PERMITS	REGISTRATION	85494
	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: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: October 13, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 13, 2003 to October 13, 2008

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

Name: Miriam Hall Phone: 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. (CCEDS 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	(380477)
11	06/02/2005	(380478)
12	06/02/2005	(380479)
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	(398957)
20	08/10/2005	(400558)
21	08/10/2005	(404172)
22	08/23/2005	(403155)
23	08/29/2005	(401553)
24	12/20/2005	(435764)
25	02/04/2006	(452682)
26	02/04/2006	(452777)
27	02/04/2006	(452802)
28	02/24/2006	(455241)
29	02/24/2006	(455270)
30	02/28/2006	(454898)
31	02/28/2006	(456852)
32	03/29/2006	(454950)
33	03/29/2006	(455158)
34	03/31/2006	(455549)
35	03/31/2006	(455654)
36	04/04/2006	(457614)
37	04/12/2006	(457852)
38	04/17/2006	(460939)
39	04/17/2006	(460946)
40	04/17/2006	(460954)
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	(480996)
49	06/23/2006	(481017)
50	06/23/2006	(481019)
51	07/20/2006	(484913)
52	07/20/2006	(485963)
53	07/20/2006	(485968)
54	07/20/2006	(485969)
55	07/20/2006	(485971)
56	07/24/2006	(461204)
57	07/26/2006	(481814)
58	08/22/2006	(465303)
59	08/22/2006	(466183)
60	10/06/2006	(512239)
61	12/28/2006	(514339)
62	02/05/2007	(537778)
63	02/23/2007	(538459)
64	02/23/2007	(541266)
65	03/12/2007	(541557)

66	03/12/2007	(541574)
67	03/12/2007	(541590)
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	(538489)
75	05/14/2007	(557950)
76	05/14/2007	(557953)
77	05/14/2007	(557957)
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	(640223)
106	04/29/2008	(640225)
107	04/29/2008	(640226)
108	04/29/2008	(646605)
109	04/29/2008	(646607)
110	04/29/2008	(646608)
111	04/29/2008	(646610)
112	05/07/2008	(640695)
113	05/16/2008	(642022)
114	05/23/2008	(680204)
115	06/11/2008	(646225)
116	07/17/2008	(686434)
117	08/12/2008	(685946)
118	08/12/2008	(687525)
119	08/13/2008	(563999)
120	08/21/2008	(685310)
121	08/25/2008	(685636)
122	08/25/2008	(687570)

123 09/06/2008 (687106)
124 09/06/2008 (687107)

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

Date: 6/14/2005 06/14/2005

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: 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: 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 (visible emissions).		
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 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)
 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 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-02705, 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.

Date: 08/14/2008 (563999)

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 THSC Chapter 382 382.085(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 a Carbon Monoxide (CO) Continuous Emissions Monitoring System (CEMS) on a continuous basis as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 18, 2007, to September 17, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(3)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 1387, Special Condition 8A
PERMIT 1387, Special Condition 9
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 18, 2007, to September 17, 2007.

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 THSC Chapter 382 382.085(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 Reports for FOP O-01898 covering the reporting periods of March 18, 2007, to September 17, 2007, and September 18, 2007, to March 17, 2008.

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-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 Reports for FOP O-01898 covering the reporting periods of March 18, 2007, to September 17, 2007, and September 18, 2007, to March 17, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01898, General Terms and Conditions

Description: Failure to certify compliance with all conditions included in FOP O-01898 as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 18, 2007, to September 17, 2007, and September 18, 2007, to March 17, 2008.

Date: 08/21/2008 (685310)

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(b)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 1302, Special Condition 5E
OP O-01897, General Terms and Conditions
OP O-01897, Special Condition 1A

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 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

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 115, SubChapter D 115.356(2)
 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 THSC Chapter 382 382.085(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 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

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 THSC Chapter 382 382.085(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 thirty days of being placed in VOC service as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

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)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)(2)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(b)(1)
 5C THSC Chapter 382 382.085(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 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 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

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 THSC Chapter 382 382.085(b)

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

Description: Failure to properly maintain loading inspection loading forms as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP O-01897, General Terms and Conditions

Description: Failure to report a deviation.

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

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

Description: Failure to operate a degreaser with the lid closed as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter E 115.412(1)(F)(iv) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP O-01897, General Terms and Conditions OP O-01897, Special Condition 1A		
Description:	Failure to operate a degreaser in accordance with 30 TAC 115.412 as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.122(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP O-01897, General Terms and Conditions OP O-01897, Special Condition 1A		
Description:	Failure to properly control a vent gas stream with a control efficiency of at least 98%, as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.		
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-01897, General Terms and Conditions OP O-01897, Special Condition 3A(iv)1		
Description:	Failure to conduct quarterly observations for the Nickel Catalyst Loading Facility as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 21, 2007, to October 20, 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-01897, General Terms and Conditions OP O-01897, Special Condition 1A OP O-01897, Special Condition 3B(iv)(4)		
Description:	Failure to conduct a daily observation for the Operating Flare, Startup Flare, 3090 Flare, and Ammonia Flare as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2007, to April 20, 2008.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130 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) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2) 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.105(a) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 1302, Spécial Condition 4C OP O-01897, General Terms and Conditions OP O-01897, Special Condition 1A OP O-01897, Special Condition 20		
Description:	Failure to make a first attempt of repair on the waste mix tank agitator within five days as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2007, to April 20, 2008.		
Self Report?	NO	Classification:	Minor
Citation:	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 63, SubChapter C, PT 63, SubPT A 63.10(d) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 1302, Special Condition 4B OP O-01897, General Terms and Conditions OP O-01897, Special Condition 1A		

OP O-01897, Special Condition 20
 Description: Failure to submit a Hazardous Organic NESHA³ (HON) report in a timely manner.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.100
 30 TAC Chapter 113, SubChapter C 113.560
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(e)(2)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT 1302, Special Condition 4D
 OP O-01897, General Terms and Conditions
 OP O-01897, Special Condition 1A
 OP O-01897, Special Condition 20
 Description: Failure to submit a Hydrogen Cyanide (HCN) maximum Allowable Control
 Technology (MACT) report in a timely manner.

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-01897, General Terms and Conditions
 OP O-01897, Special Condition 1A
 Description: Failure to conduct quarterly observations for the fume abator as reported in the
 Deviation Report for FOP O-01897 covering the reporting period of October 21, 2007,
 to April 20, 2008.

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

Notice of Intent Date: 06/28/2007 (571546)
 No DOV Associated

Notice of Intent Date: 08/07/2008 (700889)
 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

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1609-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 notice of the violations alleged in Section II ("Allegations") on or about August 26, 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 Three Thousand Six Hundred Eighty Dollars (\$3,680) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Nine Hundred Forty-Four Dollars (\$2,944) of the administrative penalty and Seven Hundred Thirty-Six Dollars (\$736) 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.

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 by November 19, 2007, the Respondent optimized the set point to ensure that sufficient natural gas is supplied to the Adiponitrile ("ADN") Operating Flare to maintain a minimum net heating value greater than 200 British thermal units per standard cubic foot ("Btu/scf") during standard operating mode as a corrective measure at the Plant.
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 failed to maintain the minimum net heating value of 200 Btu/scf in the gas stream going to the ADN Operating Flare (Emission Point No. FH3), in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 113.100, 113.120, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.18(c)(3)(ii), 60.702(b), 63.11(b)(6)(ii), and 63.113(a)(1)(i), Federal Operating Permit No. O-01897, Special Terms and Conditions Nos. 1.A., 12, 20, New Source Review Permit No. 1302, Special Conditions Nos. 2(3) and 4.B., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 21, 2008. Specifically, on April 25, 2007, from approximately 08:00 to 17:00, the net heating value of the gas stream was estimated to be within the range of 166 to 193 Btu/scf, and on September 19, 2007, from 10:00 to 12:00, the net heating value was between 189 to 193 Btu/scf.

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. 2008-1609-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 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.
3. 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.
4. 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.
5. 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 S. Bell
For the Executive Director

3/9/2009
Date

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

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

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

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

Mark D. McPherson
Signature

December 18, 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.