

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-0635-AIR-E **TCEQ ID:** RN104244942 **CASE NO.:** 39529
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 La Porte Plant, 12455 Strang Road, La Porte, Harris 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 no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 8, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Gopal Periapattanam, Environmental Manager, INVISTA S.a.r.l., 12455 Strang Road, La Porte, Texas 77571 Mr. Gary C. Huffman, Plant Manager, INVISTA S.a.r.l., 12455 Strang Road, La Porte, Texas 77571 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: February 23, 2010</p> <p>Date of NOV/NOE Relating to this Case: March 31, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>Failed to continuously monitor Highly Reactive Volatile Organic Compound ("HRVOC") emissions from the THF-Step 1 Flare since February 1, 2006. Specifically, the Respondent receives the acetylene feed stream from two "steam cracker" acetylene suppliers that may contain a small amount of HRVOC, resulting in the Plant having the potential to exceed the 5 percent weight HRVOC content in the vent gas stream to the flare which makes the Plant subject to the continuous HRVOC monitoring requirement [30 TEX. ADMIN. CODE § 115.725(d)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$1,260</p> <p>Total Deferred: \$252 <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: \$1,008</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input 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 on December 22, 2008, the Respondent submitted an Alternate Means of Control request to the TCEQ for the HRVOC continuous emissions monitoring required for the THF-Step 1 Flare.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Comply with all applicable HRVOC monitoring requirements of 30 TEX. ADMIN. CODE § 115.725 for the THF-Step 1 Flare; or</p> <p>ii. Implement an approved alternative monitoring plan for any modifications or alternatives to the monitoring requirements of 30 TEX. ADMIN. CODE § 115.725 and comply with all remaining applicable monitoring requirements of 30 TEX. ADMIN. CODE § 115.725 not approved under the alternative monitoring plan; and</p> <p>b. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): Air Account No. HGA004D



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	5-Apr-2010	Screening	8-Apr-2010	EPA Due	27-Dec-2010
	PCW	26-Aug-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	INVISTA S.a.r.l.
Reg. Ent. Ref. No.	RN104244942
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39529	No. of Violations	1
Docket No.	2010-0635-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	26.0% Enhancement	Subtotals 2, 3, & 7 \$260

Notes: Penalty enhancement due to four same or similar NOV's and seven dissimilar NOV's. Penalty reduction for four Notices of Audit and two Disclosures of Violation.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,169
Approx. Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,260
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$1,260

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,260
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DEFERRAL	20.0% Reduction	Adjustment	-\$252
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$1,008
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Screening Date: 8-Apr-2010

Docket No.: 2010-0635-AIR-E

PCW

Respondent: INVISTA S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No.: 39529

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN104244942

Media [Statute]: Air

Enf. Coordinator: Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
<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) 26%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to four same or similar NOVs and seven dissimilar NOVs. Penalty reduction for four Notices of Audit and two Disclosures of Violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 26%

Screening Date 8-Apr-2010

Docket No., 2010-0635-AIR-E

PCW

Respondent INVISTA S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No. 39529

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104244942

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 115.725(d)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to continuously monitor Highly Reactive Volatile Organic Compound ("HRVOC") emissions from the THF-Step 1 Flare since February 1, 2006. Specifically, the Respondent receives the acetylene feed stream from two "steam cracker" acetylene suppliers that may contain a small amount of HRVOC, resulting in the Plant having the potential to exceed the 5 percent weight HRVOC content in the vent gas stream to the flare which makes the Plant subject to the continuous HRVOC monitoring requirement.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Human health or the environment had the potential to be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 1527

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,169

Violation Final Penalty Total \$1,260

This violation Final Assessed Penalty (adjusted for limits) \$1,260

Economic Benefit Worksheet

Respondent: INVISTA S.a.r.l.
Case ID No.: 39529
Reg. Ent. Reference No.: RN104244942
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
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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)	\$5,000	1-Feb-2006	5-Oct-2010	4.68	\$1,169	n/a	\$1,169

Notes for DELAYED costs

Estimated cost for implementation of procedures to achieve compliance. The date required is based on the date the violation was documented. The final date is based on the date the corrective actions are expected to be 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

\$5,000

TOTAL

\$1,169

Compliance History Report

Customer/Respondent/Owner-Operator: CN602582231 INVISTA S.a.r.l. Classification: AVERAGE Rating: 4.08
 Regulated Entity: RN104244942 INVISTA LA PORTE PLANT Classification: HIGH Site Rating: 0.00

ID Number(s):	AIR NEW SOURCE PERMITS	AFS NUM	4820101558
	AIR NEW SOURCE PERMITS	REGISTRATION	71941
	AIR NEW SOURCE PERMITS	REGISTRATION	75469
	AIR NEW SOURCE PERMITS	REGISTRATION	72392
	AIR NEW SOURCE PERMITS	PERMIT	2925
	AIR NEW SOURCE PERMITS	PERMIT	28315
	AIR NEW SOURCE PERMITS	REGISTRATION	74282
	AIR NEW SOURCE PERMITS	REGISTRATION	74302
	AIR NEW SOURCE PERMITS	REGISTRATION	78582
	AIR NEW SOURCE PERMITS	REGISTRATION	79364
	AIR NEW SOURCE PERMITS	REGISTRATION	78884
	AIR NEW SOURCE PERMITS	REGISTRATION	80943
	AIR NEW SOURCE PERMITS	REGISTRATION	81312
	AIR NEW SOURCE PERMITS	REGISTRATION	83114
	AIR NEW SOURCE PERMITS	REGISTRATION	86999
	AIR NEW SOURCE PERMITS	REGISTRATION	87864
	AIR NEW SOURCE PERMITS	REGISTRATION	84571
	AIR NEW SOURCE PERMITS	REGISTRATION	86847
	AIR NEW SOURCE PERMITS	REGISTRATION	84305
	AIR NEW SOURCE PERMITS	REGISTRATION	84214
	AIR NEW SOURCE PERMITS	REGISTRATION	90952
	AIR NEW SOURCE PERMITS	REGISTRATION	87817
	AIR OPERATING PERMITS	PERMIT	1891
	AIR OPERATING PERMITS	PERMIT	1908
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HGA004D
	STORMWATER	PERMIT	TXR05R407
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	87431
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000057745
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HGA004D

Location: 12455 STRANG RD, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 07, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 07, 2005 to April 07, 2010

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

Name: NHameed

Phone: 713-767-3629

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

N/A

- 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	05/24/2005	(380554)
2	08/03/2005	(403103)
3	10/31/2005	(406982)
4	01/31/2006	(439399)
5	06/23/2006	(482127)
6	04/30/2007	(558631)
7	08/16/2007	(568739)
8	08/24/2007	(573483)
9	03/28/2008	(640570)
10	04/09/2008	(641218)
11	08/26/2008	(689352)
12	08/29/2008	(610518)
13	01/13/2009	(708528)
14	03/23/2009	(739101)
15	07/07/2009	(703616)
16	07/29/2009	(777421)
17	08/31/2009	(703622)
18	09/11/2009	(765313)
19	10/12/2009	(777324)
20	01/13/2010	(767408)
21	01/29/2010	(767637)
22	02/23/2010	(789239)
23	03/12/2010	(792870)
24	03/30/2010	(791967)

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

Date: 05/24/2005 (380554)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

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

Description: Contractors for Invista (YORK) detected a leak on the vacuum side of the

refrigeration machine in January 2005, but did not repair the leak until the unit shutdown in February 2005.

Date: 05/24/2006 (482127)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(8)

Description: INVISTA did not ensure that the correct transporter identification was provided on the manifest.

Date: 04/09/2008 (641218)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
No. 2925, Special Condition No. 1 PERMIT

Description: Failed to prevent the release of acetylene to the unlit THF Flare.

Date: 08/26/2008 (689352)

CN602582231

Self Report? NO

Classification: Minor

Citation: 01891 OP
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)

Description: As a result of Office Annual Compliance Certification Investigation No. 689352 conducted, August 8, 2008, the Texas Commission on Environmental Quality (TCEQ) Houston Regional Office determined that that Invista La Porte Facility failed to submit a semi-annual deviation report for the periods of April 12, 2007 through October 11, 2007 and October 12, 2007 through April 11, 2008 within the required time frame.

Date: 08/29/2008 (610518)

CN602582231

Self Report? NO

Classification: Moderate

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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
NSR Permit 2925, Special Condition 7E PERMIT
Special Condition 15 OP
Special Condition 1A OP

Description: Failure to seal open-ended lines.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to document the duration of visible emissions from flare TF-09C.

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)
Special Condition 15 OP
Special Condition 1A OP
Special Condition 4 PERMIT

Description: Failure to maintain the minimum scrubber flow rate for scrubbers TF-02C and TF-20C.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Special Condition 3A(iv)(1) OP

Description: Failure to maintain records of quarterly visible emissions evaluations for flare TF-09C.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Special Condition 2E OP

Description: Failure to report all emission in the associated with floating roof tank landings on TF-17T for the 2005 Annual Emissions Inventory.

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)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit a complete semiannual deviation report within 30 days of the end of the deviation reporting period.

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)
Special Condition 15 OP
Special Condition 1A OP
Special Condition 4 PERMIT

Description: Failure to calibrate flow monitors scrubbers TF-02C, TF-10C, 19C, 20C, TF-25C, TF-27C, 28C.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to calibrate gas analyzer 962B prior to use on May 5, 2006 before monitoring tags 2342.2 and 5954.

Date: 01/13/2009 (708528)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)
5C THSC Chapter 382 382.085(b)

Description: Failure to continuously monitor HRVOC flare TF-09C (EPN TF-01).

Date: 07/07/2009 (703616) CN602582231

Self Report? NO Classification: Minor

Citation: 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)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 11 OP
FOP, Special Condition 1A OP
NSR, Special Condition 8A PERMIT

Description: Flare's (EPN TR-34) failure to meet the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater.

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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 11 OP
FOP, Special Condition 1A OP
NSR, Special Condition 9E PERMIT

Description: Failure to prevent open ended lines in VOC service. (Category C10 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 2F PERMIT

Description: Failed to create final reports for recordable emissions events when the flare did not meet the minimum heating value of 200 Btu/scf during the unloading of ACAN.
Self Report? NO Classification: Minor
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)
FOP, Special Condition 1A OP

Description: Failure to properly indicate the flare's observation time.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 1A OP

Description: Failure to inspect for leaks during loading activities.
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to have a written Start-Up, Shut-down and Malfunction Plan (SSMP).
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to tag components in light liquid service requiring fugitive monitoring.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
FOP, Special Terms and Conditions 1A PERMIT

Description: Failed to conduct fugitive monitoring on components in light liquid service.
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(g)(1)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1433(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(e)(5)
5C THSC Chapter 382 382.085(b)

NSR, Special Condition 2 PERMIT

Description: Failed to provide notification of a Group 1 wastewater shipment to the transferee.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)
5C THSC Chapter 382 382.085(b)

Description: Failure to list the applicable federal rules in the Applicable Requirement Summary.
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 THSC Chapter 382 382.085(b)
FOP, Special Condition 11 OP

Description: Failure to operate within the permitted annual emission rates for the Product Storage Tanks (TR-11, 12, 13, 14, and 15).
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)
5C THSC Chapter 382 382.085(b)

Description: Failure to timely report all instances of deviations on the deviation report.

Date: 08/31/2009 (703622)

CN602582231

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter F 115.532(b)(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
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 63.167(a)(1)
FOP O-01908-SC (15) OP
SC 1A OP

Special Condition (SC) 8E PERMIT

Description: Failure to seal open-ended lines containing volatile organic compounds VOCs.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Condition SC 1A OP

Description: Failure to maintain required documentation to demonstrate compliance with requirements for unloading. (CATEGORY B3 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with permitted loading and unloading requirements.(CATEGORY B3 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)
FOP O-01908 Special Condition SC 1A OP

Description: Failure to analyze all samples from the cooling tower.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Failure to report all deviations.
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)
FOP O-01908 Special Condition 1A OP

Description: Failure to record daily flare observation. (CATEGORY B1 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(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 63.162(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
FOP O-01908 Special Conditions 1A OP

Description: Failure to identify Lokring fittings in the light liquid service. (CATEGORY B3 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-01908 Special Condition 2F OP

Description: Failure to create records within the two weeks of the event. (CATEGORY B3 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
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 63.181(b)(10)
FOP O-01908 Special Condition 15 OP
Special Condition (SC) 7I PERMIT
Special Condition 1A OP
Special Condition 8I PERMIT

Description: Failure to tag leaking components. (CATEGORY C4)
Self Report? NO Classification: Minor
Citation: 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(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 4C PERMIT
SC1A OP

Description: failure to operate the flareTF-09C without smoke
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)

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

Description: failure to properly conduct loading operations

Date: 09/11/2009 (765313) CN602582231
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)
5C THSC Chapter 382 382.085(b)
Description: Failure to list the applicable federal rules in the Applicable Requirement Summary.
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)
5C THSC Chapter 382 382.085(b)
Description: Failure to timely report all instances of deviations on the deviation report.

Date: 01/15/2010 (767408) CN602582231
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)
SC 15 OP
SC 6 PERMIT
Description: Failure to maintain scrubbing solution flow rate at the permitted level
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GC 1 PERMIT
SC 15 OP
Description: Failure to comply with permit representation and failure to maintain storage tank emissions below the MAERT limits.
Self Report? NO Classification: Minor
Citation: 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 63.162(c)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 9 PERMIT
Description: Failure to monitor 176 connectors in VOC/HAP service.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 115, SubChapter H 115.781(b)(7)(B)
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)
SC 15 OP
SC 8 PERMIT
Description: Failure to monitor valves, flanges and plugs in VOC/HRVOC service.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to document that the startup, shutdown, and malfunction (SSM) plan was followed during SSM activities.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to continuously monitor HRVOC emissions from the THF flare [Category A8 c(1)(G)],
Self Report? NO Classification: Minor
Citation: 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)(3)(II)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 4A PERMIT

Description: Failure to maintain the net heating value at or above 300 Btu/scf for a flare.

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)
SC 15 OP
SC 4C PERMIT

Description: Failure to operate a flare with no visible emissions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
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)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 8E PERMIT

Description: Failure to plug/cap all open ended lines in VOC and HRVOC services (Category C 10)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain records to demonstrate visible inspection of leaks, fumes, and odor.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit on time a report containing records of all non-repairable components (fugitives) in HRVOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GC 1 PERMIT

SC 15 OP

Description: Failure to comply with operating conditions specified in the Permit Representation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to document visual inspections on the pumps.

Self Report? NO Classification: Minor

Citation: 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(f)(2)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 4B PERMIT

Description: Failure to maintain documents demonstrating that the flare pilot flame was continuously monitored.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 22 OP

Description: Failure to fully comply with the Risk Management Plan.

Date: 01/28/2010 (767637)

CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(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 63.168(d)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions PERMIT
SC 9F PERMIT
SC 9G PERMIT
ST&C 11 PERMIT
ST&C 1A PERMIT

Description: Failure to tag and monitor a MeAC vent line from the storage tank to the loading spot (CATEGORY B3 violation).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(10)
30 TAC Chapter 115, SubChapter H 115.781(b)(10)
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)
9K PERMIT
GT&C PERMIT
ST&C 11 PERMIT

Description: Failure to use the default pegged value of 100,000 ppm in the LDAR monitoring instrument (CATEGORY C1 violation)

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 63, SubChapter C, PT 63, SubPT H 63.174(a)(1)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT
SC9K PERMIT
ST&C 11 PERMIT

Description: Failure to monitor 24 connectors (Lokrings) during the period of April 12, 2008 through July 25, 2008(CATEGORY B1 violation).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(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)
GT&C PERMIT
ST&C 1A PERMIT

Description: Failure to demonstrate inspection for visible liquid leaks, visible fumes, and significant odors during the VOC transfer were not complete(CATEGORY C4 violation)

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 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT
SC 8 PERMIT
ST&C 1A PERMIT

Description: Failure to maintain the 200 Btu/scf net heating value of the combusted gas at the PTMEG Flare (CATEGORY C4 violation).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT
ST&C 2F PERMIT

Description: Failure to include all of the required elements necessary for non-reportable emission events (CATEGORY C3 violation).

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 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)

GT&C PERMIT
SC 9E PERMIT
SC9K PERMIT
ST&C 11 PERMIT

Description: Failure to cap and plug all open-ended lines (CATEGORY C10 violation).
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
5C THSC Chapter 382.085(b)

Description: Failure to document the SSMPs was followed during SSM activities from April 12, 2008 through October 11, 2008 and October 12, 2008 through April 11, 2009. (CATEGORY B3 violation)

F. Environmental audits.

Disclosure Date: 04/15/2005

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.176
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

Description: The <90-day storage area, #080, located north of THF loading facilities, contains ignitable wastes and is less than 50 feet from the property line fence.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)
30 TAC Chapter 335, SubChapter C 335.69(d)

Description: Satellite accumulation areas are not at or near the point of generation and under the control of the operator in the area generating the waste.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)
30 TAC Chapter 335, SubChapter C 335.69

Description: Hazardous wastes accumulated in satellite accumulation areas exceeded limit of 55 gallons of hazardous waste or one quart of acutely hazardous waste.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173
30 TAC Chapter 335, SubChapter E 335.112(a)

Description: Failed to comply with 40 CFR 265 Subpart I, Use and Management of Containers related to the condition of the containers, the compatibility of the materials in the containers and the management of the containers.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(d)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.56(d)
30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Deficiencies found regarding requirements for Large Quantity Generator of hazardous waste to have a contingency plan and emergency procedures.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(c)
30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter C 335.70(a)

Description: Two waste streams were observed at the Facility for which hazardous waste classification status was not available.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)
30 TAC Chapter 335, SubChapter C 335.69(d)

Description: Failed to comply with regulation requirements that prevent the transfer of waste from one satellite container to another satellite container.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Facility has not submitted information regarding the waste stream created from the puncturing of aerosol cans.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(22)
30 TAC Chapter 335, SubChapter R 335.503(b)

Description: A discrepancy exists between the waste code number for the TR-7 waste stream in the facility's Notice of Registration (NOR) and on the Hazardous Waste Manifests (NOR-0912219H, Manifest - 092219H).

Viol. Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.120

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(c)

Description: Recordkeeping requirements regarding Group 2 status for wastewater streams regulated by the Hazardous Organic NESHAP (HON)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)

Description: Failed to submit semi-annual report for source subject to HON

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110

40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)

Description: Deficiency was noted regarding the cooling tower sampling for THF: did not calculate the average entrance and exit concentrations for sampling events in the 2nd quarter of 2004.

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)

Description: Recordkeeping requirement: not all THF checklists are maintained for a minimum of 2 years.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(g)

Description: Notice requirement: facility that transfers a HON/Polyols Group 1 waste stream off-site for treatment has to notify the transferee that the waste stream must be treated in accordance with the HON requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(l)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)(ii)

Description: Deficiencies noted regarding the "difficult to monitor" designations in the THF and PTMEG process units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(3)

Description: Failed to meet requirement to have signed documentation of applicability for MACT standards that do not apply based on potential to emit limitations or exclusions.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)

Description: Omitted 12 days from semi-annual Periodic Reports for reactors (RRR) and distillation columns (NNN) in the THF and PTMEG units.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: A review of the PTMEG unit devices in the 2003 annual emission inventory report revealed the Emissions from device TR-30 - Filter Aid Addition - were incorrectly categorized as VOC emissions instead of PM10 emissions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)

Description: The annual emission inventory report was due to be submitted by August 25, 2004. The report was postmarked on August 25, 2004 and submitted to the TCEQ on August 26, 2004.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Emissions Inventory: PM 10 Emissions for cooling towers (TF-20) was incorrectly calculated low (0.001 tpy rather than 2.5 tpy) due to the incorrect use of the AP-42 emission factors.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Facility did not satisfy the requirements for a PBR or include the source in the NSR Permit No. 2925, for glydoxamine emissions from the Step II catalyst degassing process.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 8A

Description: NSR Permit No. 2925 requires the facility to maintain a list of the following equipment: 1) equipment that does not contain VOC with an aggregate partial pressure or vapor pressure of at least 0.044 at 68 deg.F, and 2) equipment with operating pressures at least 0.725 psi below ambient pressure.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 8A

Description: NSR Permit No. 28315 requires the facility to maintain a list of the following equipment: 1) equipment that does not contain VOC with an aggregate partial pressure or vapor pressure of at least 0.044 at 68 deg.F, and 2) equipment with operating pressures at least 0.725 psi below ambient pressure.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121
30 TAC Chapter 290, SubChapter D 290.46

Description: Monitoring and reporting requirements for public water system.

Viol. Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter A 335.4

Description: The facility discharges cooling tower wastewater and process steam condensate to the ground without a TPDES permit.

Viol. Classification: Minor

Rqmt Prov: PERMIT SWP3

Description: The facility's SWP3 and implementation has numerous deficiencies.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: CO emissions from the PTMEG flare may have been under-reported in the 2003 annual emission inventory report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(f)

Description: The THF process unit has pressure relief valves that vent to the atmosphere. Documentation was not available to demonstrate that the PRVs are monitored by Method 21 within 5 days of return to service.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(f)

Description: The facility does not have a system to track whether the THF process unit has a pressure release that vents to the atmosphere.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: Recordkeeping requirements for PBR- THF process

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: Recordkeeping requirements for PBR - PTMEG flare

Viol. Classification: Moderate

Citation: 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(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(c)

Description: Failed to meet recordkeeping provision of benzene waste NESHAP rule requiring facilities to maintain the following records for 2 years from date information is recorded: identify each waste stream and whether it is controlled for benzene, characteristics of each waste stream, information concerning turnaround wastes, a

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(c)

Description: Subject waste streams have existed either since the rule became effective or at least a year or more; therefore, the plant is deficient in the requirement to have filed initial and annual reports identifying the subject waste streams and the total annual benzene in these streams.

Viol. Classification: Minor

Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(3)
30 TAC Chapter 335, SubChapter O 335.431(c)(1)

Description: The facility did not include the proper hazardous waste classification (DO18) on the LDR notification form accompanying a shipment of hazardous waste to a cement kiln.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)

Description: THF CMPU. Failed to identify all sources of wastewater for HON, identify applicable group determinations for each stream, review the applicable controls and recordkeeping requirements of the streams and ensure they are adequately addressed in current systems.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105

Description: THF CMPU. SOCMH HON requirement. Failed to establish procedures for management of wastewaters for all applicable sources.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.720
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1420
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1433

Description: PTMEG PMPU. Failed to identify source of wastewater, make HON Group Determination, and comply with recordkeeping and reporting requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.720
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1433(b)

Description: PTMEG PMPU. The site lacked documentation listing sources of maintenance wastewater and the associated specific procedures to manage the wastewater and control HAP emissions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.720
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1425(f)

Description: PTMEG PMPU. Notice of compliance status 10/29/2002, records and reports do not contain the information required by the rule to clearly determine and document PPP applicability and group determinations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)

Description: Plant personnel could not produce a signed copy of the semi-annual report due on 11/19/2004. (Subpart A, F, and G)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Misrepresented facility operations in NSR permit applications.

Disclosure Date: 05/06/2005

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.176
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

Description: The <90-day storage area, #080, located north of THF loading facilities, contains ignitable wastes and is less than 50 feet from the property line fence.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)
30 TAC Chapter 335, SubChapter C 335.69(d)

Description: Satellite accumulation areas are not at or near the point of generation and under the control of the operator in the area generating the waste.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)
30 TAC Chapter 335, SubChapter C 335.69

Description: Hazardous wastes accumulated in satellite accumulation areas exceeded limit of 55 gallons of hazardous waste or one quart of acutely hazardous waste.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173
30 TAC Chapter 335, SubChapter E 335.112(a)

Description: Failed to comply with 40 CFR 265 Subpart I, Use and Management of Containers related to the condition of the containers, the compatibility of the materials in the containers and the management of the containers.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(d)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.56(d)
30 TAC Chapter 335, SubChapter E 335.112(a)(3)

Description: Deficiencies found regarding requirements for Large Quantity Generator of hazardous waste to have a contingency plan and emergency procedures.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(c)
30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter C 335.70(a)

Description: Two waste streams were observed at the Facility for which hazardous waste classification status was not available.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)
30 TAC Chapter 335, SubChapter C 335.69(d)

Description: Failed to comply with regulation requirements that prevent the transfer of waste from one satellite container to another satellite container.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Facility has not submitted information regarding the waste stream created from the puncturing of aerosol cans.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(22)
30 TAC Chapter 335, SubChapter R 335.503(b)

Description: A discrepancy exists between the waste code number for the TR-7 waste stream in the facility's Notice of Registration (NOR) and on the Hazardous Waste Manifests (NOR-0912219H, Manifest - 092219H).

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(c)

Description: Recordkeeping requirements regarding Group 2 status for wastewater streams regulated by the Hazardous Organic NESHAP (HON)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)

Description: Failed to submit semi-annual report for source subject to HON

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)

Description: Deficiency was noted regarding the cooling tower sampling for THF: did not calculate the average entrance and exit concentrations for sampling events in the 2nd quarter of 2004.

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)

Description: Recordkeeping requirement: not all THF checklists are maintained for a minimum of 2 years.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(g)

Description: Notice requirement: facility that transfers a HON/Polyols Group 1 waste stream off-site for treatment has to notify the transferee that the waste stream must be treated in accordance with the HON requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)(ii)

Description: Deficiencies noted regarding the "difficult to monitor" designations in the THF and PTMEG process units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(3)

Description: Failed to meet requirement to have signed documentation of applicability for MACT standards that do not apply based on potential to emit limitations or exclusions.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)

Description: Omitted 12 days from semi-annual Periodic Reports for reactors (RRR) and distillation columns (NNN) in the THF and PTMEG units.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: A review of the PTMEG unit devices in the 2003 annual emission inventory report revealed the Emissions from device TR-30 - Filter Aid Addition - were incorrectly categorized as VOC emissions instead of PM10 emissions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)

Description: The annual emission inventory report was due to be submitted by August 25, 2004. The report was postmarked on August 25, 2004 and submitted to the TCEQ on August 26, 2004.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Emissions Inventory: PM 10 Emissions for cooling towers (TF-20) was incorrectly calculated low (0.001 tpy rather than 2.5 tpy) due to the incorrect use of the AP-42 emission factors.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Facility did not satisfy the requirements for a PBR or include the source in the NSR Permit No. 2925, for glydroxamine emissions from the Step II catalyst degassing process.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 8A

Description: NSR Permit No. 2925 requires the facility to maintain a list of the following equipment: 1) equipment that does not contain VOC with an aggregate partial pressure or vapor pressure of at least 0.044 at 68 deg.F, and 2) equipment with operating pressures at least 0.725 psi below ambient pressure.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 8A

Description: NSR Permit No. 28315 requires the facility to maintain a list of the following equipment: 1) equipment that does not contain VOC with an aggregate partial pressure or vapor pressure of at least 0.044 at 68 deg.F, and 2) equipment with operating pressures at least 0.725 psi below ambient pressure.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121
30 TAC Chapter 290, SubChapter D 290.46

Description: Monitoring and reporting requirements for public water system.

Viol. Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter A 335.4

Description: The facility discharges cooling tower wastewater and process steam condensate to the ground without a TPDES permit.

Viol. Classification: Minor

Rqmt Prov: PERMIT SWP3

Description: The facility's SWP3 and implementation has numerous deficiencies.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: CO emissions from the PTMEG flare may have been under-reported in the 2003 annual emission inventory report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(f)

Description: The THF process unit has pressure relief valves that vent to the atmosphere. Documentation was not available to demonstrate that the PRVs are monitored by Method 21 within 5 days of return to service.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(f)

Description: The facility does not have a system to track whether the THF process unit has a pressure release that vents to the atmosphere.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: Recordkeeping requirements for PBR- THF process

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: Recordkeeping requirements for PBR - PTMEG flare

Viol. Classification: Moderate

Citation: 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(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(c)

Description: Failed to meet recordkeeping provision of benzene waste NESHAP rule requiring facilities to maintain the following records for 2 years from date information is recorded: identify each waste stream and whether it is controlled for benzene, characteristics of each waste stream, information concerning turnaround wastes, a

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(c)

Description: Subject waste streams have existed either since the rule became effective or at least a year or more; therefore, the plant is deficient in the requirement to have filed initial and annual reports identifying the subject waste streams and the total annual benzene in these streams.

Viol. Classification: Minor

Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(3)
30 TAC Chapter 335, SubChapter O 335.431(c)(1)

Description: The facility did not include the proper hazardous waste classification (DO18) on the LDR notification form accompanying a shipment of hazardous waste to a cement kiln.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)

Description: THF CMPU. Failed to identify all sources of wastewater for HON, identify applicable group determinations for each stream, review the applicable controls and recordkeeping requirements of the streams and ensure they are adequately addressed in current systems.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105

Description: THF CMPU. SOCM1 HON requirement. Failed to establish procedures for management of wastewaters for all applicable sources.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.720
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1420
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1433

Description: PTMEG PMPU. Failed to identify source of wastewater, make HON Group Determination, and comply with recordkeeping and reporting requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.720
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1433(b)

Description: PTMEG PMPU. The site lacked documentation listing sources of maintenance wastewater and the associated specific procedures to manage the wastewater and control HAP emissions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.720
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1425(f)

Description: PTMEG PMPU. Notice of compliance status 10/29/2002, records and reports do not contain the information required by the rule to clearly determine and document PPP applicability and group determinations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)

Description: Plant personnel could not produce a signed copy of the semi-annual report due on 11/19/2004. (Subpart A, F, and G)

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Misrepresented facility operations in NSR permit applications.

05/25/2005
(398748)

Notice of Intent Date:
No DOV Associated

06/15/2005
(398779)

Notice of Intent Date:
No DOV Associated

06/28/2007
(571550)

Notice of Intent Date:
No DOV Associated

Notice of Intent Date: 01/12/2010
(795010)
Disclosure Date: 04/30/2010

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.
RN104244942**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-0635-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 12455 Strang Road in La Porte, Harris 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 April 5, 2010.
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 One Thousand Two Hundred Sixty Dollars (\$1,260) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Eight Dollars (\$1,008) of the administrative penalty and Two Hundred Fifty-Two Dollars (\$252) 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 on December 22, 2008, the Respondent submitted an Alternate Means of Control request to the TCEQ for the Highly Reactive Volatile Organic Compound ("HRVOC") continuous emissions monitoring required for the THF-Step 1 Flare.
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 continuously monitor HRVOC emissions from the THF-Step 1 Flare since February 1, 2006, in violation of 30 TEX. ADMIN. CODE § 115.725(d)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 23, 2010. Specifically, the Respondent receives the acetylene feed stream from two "steam cracker" acetylene suppliers that may contain a small amount of HRVOC, resulting in the Plant having the potential to exceed the 5 percent weight HRVOC content in the vent gas stream to the flare which makes the Plant subject to the continuous HRVOC monitoring requirement.

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. 2010-0635-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. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 180 days after the effective date of this Agreed Order:
 - i. Comply with all applicable HRVOC monitoring requirements of 30 TEX. ADMIN. CODE § 115.725 for the THF-Step 1 Flare; or
 - ii. Implement an approved alternative monitoring plan in accordance with 30 TEX. ADMIN. CODE § 115.725(m) for any modifications or alternatives to the monitoring requirements of 30 TEX. ADMIN. CODE § 115.725 and comply with all remaining applicable monitoring requirements of 30 TEX. ADMIN. CODE § 115.725 not approved under the alternative monitoring plan; and
- b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. 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.

INVISTA S.a.r.l.
DOCKET NO. 2010-0635-AIR-B
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szallier
For the Executive Director

10/29/2010
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.

Agc/H
Signature

10/11/10
Date

Gary C. Huffman
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.

