

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-1538-AIR-E **TCEQ ID:** RN104244942 **CASE NO.:** 38406
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 March 8, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 15, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 31, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation. This case was remanded from the March 30, 2010 Commission agenda for further development. It is now ready for consideration.</p> <p>AIR</p> <p>Failure to meet the minimum heating value for Step 1 Flare (BPN TF-09C). Specifically, the Respondent averaged a heating value of 212.22 British thermal units per standard cubic feet ("Btu/scf") for 3,408 hours during April 12, 2007 through October 11, 2007, which was below the required minimum heating value of 300 Btu/scf. During this time period, no unauthorized emissions were documented from the Step 1 Flare as a result of the low heating value [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), TEX. HEALTH § SAFETY CODE § 382.085(b), Federal Operating Permit No. 1908, Special Condition ("SC") Nos. 1A, and 15, Air Permit No. 2925, SC Nos. 3A, and 4A].</p>	<p>Total Assessed: \$4,550</p> <p>Total Deferred: \$910 <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: \$3,640</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 the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Larger flare tips were installed on April 17, 2008 using a standard permit; and</p> <p>b. Supplemental fuel was used to increase the heating value as reported in the May 12, 2008 deviation report.</p>

Additional ID No(s): HGA004D



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Sep-2009	Screening	21-Sep-2009	EPA Due	
	PCW	4-Nov-2009				

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.	38406	No. of Violations	1
Docket No.	2009-1538-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		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** **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **16.0%** Enhancement **Subtotals 2, 3, & 7** **\$800**

Notes
Penalty enhanced due to one NOV for same or similar violation and eight NOVs for unrelated violations. Penalty reduction due to three notice of audits and one disclosure submitted.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,250**

Economic Benefit **0.0%** Enhancement **Subtotal 6** **\$0**

Total EB Amounts **\$3,747**
Approx. Cost of Compliance **\$63,500**
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$4,550**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$4,550**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$4,550**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$910**

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 **\$3,640**

Screening Date 21-Sep-2009

Docket No. 2009-1538-AIR-E

PCW

Respondent Invista S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No. 38406

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104244942

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

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)	1	5%
	Other written NOVs	8	16%
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)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 16%

>> 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 enhanced due to one NOV for same or similar violation and eight NOVs for unrelated violations.
Penalty reduction due to three notice of audits and one disclosure submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 16%

Screening Date 21-Sep-2009 **Docket No.** 2009-1538-AIR-E **PCW**
Respondent Invista S.a.r.l. *Policy Revision 2 (September 2002)*
Case ID No. 38406 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN104244942
Media [Statute] Air
Enf. Coordinator Roshondra Lowe

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), 40 Code of Federal Regulations §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. 1908, Special Condition ("SC") Nos. 1A, and 15, Air Permit No. 2925, SC Nos. 3A, and 4A
Violation Description Failed to meet the minimum heating value for Step 1 Flare (EPN TF-09C). Specifically, the Respondent averaged a heating value of 212.22 British thermal units per standard cubic foot ("Btu/scf") for 3,408 hours during April 12, 2007 through October 11, 2007, which was below the required minimum heating value of 300 Btu/scf. During this time period, no unauthorized emissions were documented from the Step 1 Flare as a result of the low heating value.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		X		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Human health or the environment in the Houston-Galveston-Brazoria nonattainment area could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.					
	Adjustment				\$7,500

Adjustment \$7,500

Violation Events

Number of Violation Events Number of violation days
 mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event
Violation Base Penalty \$5,000

Two quarterly events are recommended for the period of April 12, 2007 through October 11, 2007.

Good Faith Efforts to Comply 25.0% Reduction \$1,250

Before NOV NOV to EDCRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A (mark with x)
 Notes Corrective actions were completed on May 12, 2008, prior to the August 31, 2009 NOE.
Violation Subtotal \$3,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$3,747 **Violation Final Penalty Total** \$4,550
This violation Final Assessed Penalty (adjusted for limits) \$4,550

Economic Benefit Worksheet

Respondent: Invista S.a.r.l.
Case ID No.: 38406
Reg. Ent. Reference No.: RN104244942
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$50,000	12-Apr-2007	17-Apr-2008	1.02	\$169	\$3,388	\$3,558
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)	\$3,500	12-Apr-2007	12-May-2008	1.08	\$190	n/a	\$190

Notes for DELAYED costs: Estimated cost to install large flare tips and increase supplemental fuel to ensure the Step 1 Flare (EPN TF-09C) maintains the minimum heating value. The date required is the violation date. The final date is based on the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$53,500	TOTAL	\$3,747
----------------------------	----------	--------------	---------

Compliance History Report

Customer/Respondent/Owner-Operator: CN602582231 Invista S.a.r.l. Classification: AVERAGE Rating: 3.51
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	157
	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	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: September 17, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 17, 2004 to September 17, 2009

Name: Roshondra Lowe

Phone: 767-3553

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 08/31/2009 (703622)
- 17 09/11/2009 (765313)

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)

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)

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)

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)
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 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01908 Special Condition SC 14 OP

Description: Failure to conduct periodic monitoring.

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)
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.

F. Environmental audits.

Notice of Intent Date: 06/24/2004 (281194)
Disclosure Date: 11/12/2004

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 hydroxylamine 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. SOCMI 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: 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(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 hydroxylamine 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. SOCMI 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 pressues 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 pressues 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.

Notice of Intent Date: 05/25/2005 (398748)

No DOV Associated

Notice of Intent Date: 06/15/2005 (398779)

No DOV Associated

Notice of Intent Date: 06/28/2007 (571550)

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.
RN104244942**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1538-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 September 5, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Five Hundred Fifty Dollars (\$4,550) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Six Hundred Forty Dollars (\$3,640) of the administrative penalty and Nine Hundred Ten Dollars (\$910) 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 the Respondent has implemented the following corrective measures at the Plant:
 - a. Larger flare tips were installed on April 17, 2008 using a standard permit; and
 - b. Supplemental fuel was used to increase the heating value as reported in the May 12, 2008 deviation report.
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 meet the minimum heating value for Step 1 Flare (EPN TF-09C), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. 1908, Special Condition ("SC") Nos. 1A, and 15, Air Permit No. 2925, SC Nos. 3A, and 4A, as documented during an investigation conducted on July 15, 2009. Specifically, the Respondent averaged a heating value of 212.22 British thermal units per standard cubic feet ("Btu/scf") for 3,408 hours during April 12, 2007 through October 11, 2007, which was below the required minimum heating value of 300 Btu/scf. During this time period, no unauthorized emissions were documented from the Step 1 Flare as a result of the low heating value.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Invista S.a.r.l., Docket No. 2009-1538-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 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.
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.

Invista S.a.r.l.
DOCKET NO. 2009-1538-AIR-E
Page 4

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sollier
For the Executive Director

Date 4/20/2010

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.

Gary C. Huffman
Signature

Date 4-1-10

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, Revenue Section at the address in Section IV, Paragraph 1 of this Agreed Order.