

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-0561-AIR-E TCEQ ID RN104392626 CASE NO. 37490
RESPONDENT NAME: INVISTA S.A R.L.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 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

SITE WHERE VIOLATIONS OCCURRED: 3055A FM Road 1006, Orange, Orange County

TYPE OF OPERATION: Nylon production plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired May 10, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Anna M. Treadwell, Litigation Division, MC 175, (512) 239-0974
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938

TCEQ Regional Contact: Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Mr. Mark McPherson, Site Manager, Invista S.a r.l., P.O. Box 1003, Orange, Texas 77631-1003

Respondent's Attorney: Mr. Christopher Thiele, Vinson & Elkins L.L.P., The Terrace 7, 2801 Via Fortuna, Suite 100, Austin, Texas 78746

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 13, 2009</p> <p>Date of NOE Relating to this Case: April 8, 2009</p> <p>Background Facts: The EDP RP was filed on August 14, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved, and the agreed order was signed on March 10, 2010.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>AIR:</p> <p>1. Failed to maintain records of Audio, Visual, and Olfactory ("AVO") inspections for ammonia leaks from the Fugitives emission point number ("EPN") PE-FUG, in the Hexamethylenediamine ("HMD") Production Unit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Federal Operating Permit ("FOP") No. O-01996, General Terms and Conditions and Special Conditions 1A and 14; New Source Review ("NSR") Permit No. 1303, Special Condition 9E; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to properly control volatile organic compound ("VOC") vent gas streams from the Refining Ammonia Scrubber in the HMD Production Unit, so that destruction efficiency is 98%, or that VOC concentration is no more than 20 parts per million ("ppm"). Specifically, the Respondent reported 120 instances between November 16, 2007, through May 15, 2008, when the carbon monoxide ("CO") concentration exceeded 100 ppm, which indicates a less than 98% destruction efficiency [30 TEX. ADMIN. CODE §§ 115.122(a)(2)(B) and 122.143(4); FOP No. O-01996, General Terms and Conditions and Special Condition 1A; and TEX HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$22,660</p> <p>Total Deferred: \$11,330 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$11,330</p> <p>The Respondent paid \$11,330 of the administrative penalty. The remaining amount of \$11,330 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: More than three repeated enforcement actions for the same violations.</p>	<p>Corrective Actions Taken: The Executive Director recognizes that the Respondent performed the following corrective actions at the Plant:</p> <ol style="list-style-type: none"> Modified the AVO inspection log records, began keeping an additional electronic copy of the logs, and implemented an additional review for the AVO logs (violation no. 1); Re-routed the Boiler 7 waste stream to Boilers 5 and 8, relocated thermocouples in all three boilers, and conducted boiler testing, an engineering analysis, and temperature monitoring to ensure 99% removal of benzene (violation no. 4) and that the VOC vent gas streams from the Refining Ammonia Scrubber are controlled so that destruction efficiency is 98% (violation no. 2); and Began to collect and analyze ammonia samples from the Low Pressure Absorber in the HMD Unit at least once per 12-hour shift (violation no. 3). <p>Ordering Provisions: The Respondent shall implement and complete a Supplemental Environmental Project (<i>Clean School Buses</i>).</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3. Failed to collect and analyze ammonia samples from the Low Pressure Absorber, EPN PE-21, in the HMD Production Unit at least once per 12-hour shift [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); FOP No. O-01996, General Terms and Conditions and Special Condition 14; NSR Permit No. 1303, Special Condition 3; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4. Failed to incinerate benzene in the waste stream from Boiler 7, EPN B-7, in the HMD Production Unit. Specifically, the CO concentration exceeded 100 ppm while burning hazardous waste, indicating that less than 99% of benzene was removed [30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4); 40 CFR § 61.348(a)(1)(iii); FOP No. O-01996, General Terms and Conditions and Special Condition 1A; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		

Attachment A
Docket Number: 2009-0561-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent: INVISTA S.a r.l
Penalty Amount: Twenty-two thousand six hundred sixty dollars (\$22,660.00)
SEP Offset Amount: Eleven thousand three hundred thirty dollars (\$11,330.00)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of RC&D – *Clean School Buses*
Location of SEP: 106 Southern Louisiana-Southeast Texas

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of RC&D** to be used for the *Clean School Buses* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new cleaner technology. RC&D shall disburse SEP Funds to school districts, area transit agencies, or local governments on a needs-rated basis, using non-attainment area status, condition of buses, or economic status of recipient as possible rating factors if competition for funds exists. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing particulate matter (PM), and the ozone precursors NO_x and hydrocarbon (HC), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), a model year 2007 bus will be 90% cleaner in terms of particulate matter emissions than a model year 2004 bus. New HC and NO_x standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NO_x than a bus produced

to meet the 2004 federal standards for these pollutants. This SEP will provide a discernible environmental benefit by reducing exposure of children and other bus passengers to harmful air pollutants.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Marva Beck, President
Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Dr. Ste 510
Bryan, TX 77802

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	13-Apr-2009			
	PCW	23-Feb-2010	Screening	20-Apr-2009	EPA Due

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

CASE INFORMATION					
Enf./Case ID No.	37490	No. of Violations	4		
Docket No.	2009-0561-AIR-E	Order Type	Findings		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Kimberly Morales		
		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	\$9,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	160.0% Enhancement	Subtotals 2, 3, & 7	\$15,360
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Notes

Penalty enhancement due to eight NOVs issued for same or similar violations, two NOVs issued for unrelated violations, and six agreed orders containing a denial of liability. Penalty reduction due to four Notice of Audits letters submitted.

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	\$2,400
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$471
Approx. Cost of Compliance	\$4,300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$22,560
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.4%	Adjustment	\$100
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement recommended for recovery of avoided costs of compliance for violation number 3.

Final Penalty Amount	\$22,660
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$22,660
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$22,660
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Screening Date 20-Apr-2009

Docket No. 2009-0561-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 37490

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 160%

>> **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 eight NOVs issued for same or similar violations, two NOVs issued for unrelated violations, and six agreed orders containing a denial of liability. Penalty reduction due to four Notice of Audits submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 160%

Screening Date 20-Apr-2009 **Docket No.** 2009-0561-AIR-E **PCW**
Respondent INVISTA S.a r.l. *Policy Revision 2 (September 2002)*
Case ID No. 37490 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN104392626
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O-01996, General Terms and Conditions and Special Conditions 1A and 14, New Source Review ("NSR") Permit No. 1303, Special Condition 9E and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain records of Audio, Visual, and Olfactory inspections for ammonia leaks from the Fugitives emission point number ("EPN") PE-FUG, in the Hexamethylenediamine ("HMD") Production Unit on February 15, April 17, 19, 22, and 24, 2008.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1%

Matrix Notes Most (more than 70%) of the rule requirements were met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 5 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended for the deficient inspection log.

Good Faith Efforts to Comply

25.0% Reduction \$25

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent completed corrective actions by January 31, 2009, prior to the April 8, 2009 NOE.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$236

This violation Final Assessed Penalty (adjusted for limits) \$236

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 37490
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	15-Feb-2008	31-Jan-2009	0.96	\$10	n/a	\$10
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that inspection records are maintained. The date required is the first date an inspection record could not be found. The final date is the date that corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$10

Screening Date 20-Apr-2009 **Docket No.** 2009-0561-AIR-E **PCW**
Respondent INVISTA S.a r.l. *Policy Revision 2 (September 2002)*
Case ID No. 37490 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN104392626
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 115.122(a)(2)(B) and 122.143(4), FOP No. O-01996, General Terms and Conditions and Special Condition 1A and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to properly control volatile organic compound ("VOC") vent gas streams from the Refining Ammonia Scrubber in the HMD Production Unit, so that destruction efficiency is 98%, or that VOC concentration is no more than 20 parts per million ("ppm"). Specifically, the Respondent reported 120 instances between November 16, 2007 through May 15, 2008 when the carbon monoxide ("CO") concentration exceeded 100 ppm, which indicates a less than 98% destruction efficiency.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	25%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Human health or the environment has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.					

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 182 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

Two quarterly events are recommended for the two quarters (November 16, 2007 through May 15, 2008) during which 98% efficiency was not achieved.

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

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

Notes: The Respondent completed corrective actions by February 27, 2009, prior to the April 8, 2009 NOE.

Violation Subtotal \$3,750

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

Estimated EB Amount \$279 **Violation Final Penalty Total** \$11,802

This violation Final Assessed Penalty (adjusted for limits) \$11,802

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 37490
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,500	16-Nov-2007	1-Dec-2009	2.04	\$10	\$204	\$215
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Nov-2007	27-Feb-2009	1.28	\$64	n/a	\$64

Notes for DELAYED costs

Estimated cost to ensure VOC concentration is controlled to 20 ppm or that destruction efficiency is at least 98%. The date required is the first date of the violation period. The final date is the date that corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$279

Screening Date 20-Apr-2009 **Docket No.** 2009-0561-AIR-E **PCW**
Respondent INVISTA S.a r.l. *Policy Revision 2 (September 2002)*
Case ID No. 37490 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN104392626
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O-01996, General Terms and Conditions and Special Condition 14, NSR Permit No. 1303, Special Condition 3 and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to collect and analyze ammonia samples from the Low Pressure Absorber, EPN PE-21, in the HMD Production Unit at least once per 12-hour shift on April 14 and 27, 2008.
Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Human health or the environment could have been exposed to insignificant amounts of contaminants that would not exceed protective levels as a result of the violation.

Adjustment

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
 Two single events are recommended for the two days during which sampling was not conducted.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes The Respondent completed corrective actions by January 31, 2009, prior to the April 8, 2009 NOE.

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 37490
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	14-Apr-2008	31-Jan-2009	0.80	\$20	n/a	\$20
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that samples are taken at least once every 12-hour shift. The date required is the first day a sample was not taken. The final date is the date that corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
Other (as needed)	\$50	14-Apr-2008	14-Apr-2008	0.00	\$0	\$50	\$50
Other (as needed)	\$50	27-Apr-2008	27-Apr-2008	0.00	\$0	\$50	\$50

Notes for AVOIDED costs

Estimated cost to conduct sampling for two days. The dates required and final dates are the dates during which there was no sampling.

Approx. Cost of Compliance

\$600

TOTAL

\$120

Screening Date 20-Apr-2009 **Docket No.** 2009-0561-AIR-E **PCW**
Respondent INVISTA S.a r.l. *Policy Revision 2 (September 2002)*
Case ID No. 37490 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN104392626
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(2) and 122.143(4), 40 Code of Federal Regulations ("CFR") § 61.348(a)(1)(iii), FOP No. O-01996, General Terms and Conditions and Special Condition 1A and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to incinerate benzene in the waste stream from Boiler 7, EPN B-7, in the HMD Production Unit. Specifically, on November 25, 2007, the CO concentration exceeded 100 ppm while burning hazardous waste, indicating that less than 99 percent of benzene was removed.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 Human health or the environment has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One quarterly event is recommended for the one quarter during which at least 99% of benzene was not removed.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes
 The Respondent completed corrective actions by February 27, 2009, prior to the April 8, 2009 NOE.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 37490
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	25-Nov-2007	27-Feb-2009	1.26	\$63	n/a	\$63

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that at least 99% of benzene is removed from the waste stream. The date required is the date that less than 99% of benzene was removed from the waste stream. The final date is the date that corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$63

Compliance History Report

Customer/Respondent/Owner-Operator:

CN602582231 INVISTA S.a r.l.

Classification: AVERAGE

Rating: 3.62

Regulated Entity:

RN104392626 INVISTA SARL SABINE RIVER SITE

Classification: AVERAGE

Site Rating: 12.47

ID Number(s):

AIR NEW SOURCE PERMITS	AFS NUM	4836100244
AIR NEW SOURCE PERMITS	REGISTRATION	76385
AIR NEW SOURCE PERMITS	REGISTRATION	76134
AIR NEW SOURCE PERMITS	PERMIT	1387
AIR NEW SOURCE PERMITS	REGISTRATION	75994
AIR NEW SOURCE PERMITS	PERMIT	1302
AIR NEW SOURCE PERMITS	PERMIT	33081
AIR NEW SOURCE PERMITS	PERMIT	43815
AIR NEW SOURCE PERMITS	PERMIT	40371
AIR NEW SOURCE PERMITS	PERMIT	38853
AIR NEW SOURCE PERMITS	PERMIT	38402
AIR NEW SOURCE PERMITS	PERMIT	37818
AIR NEW SOURCE PERMITS	PERMIT	52687
AIR NEW SOURCE PERMITS	PERMIT	43041
AIR NEW SOURCE PERMITS	PERMIT	45950
AIR NEW SOURCE PERMITS	PERMIT	45766
AIR NEW SOURCE PERMITS	PERMIT	44499
AIR NEW SOURCE PERMITS	PERMIT	44206
AIR NEW SOURCE PERMITS	PERMIT	42060
AIR NEW SOURCE PERMITS	PERMIT	43816
AIR NEW SOURCE PERMITS	PERMIT	53853
AIR NEW SOURCE PERMITS	PERMIT	56241
AIR NEW SOURCE PERMITS	PERMIT	50464
AIR NEW SOURCE PERMITS	PERMIT	36731
AIR NEW SOURCE PERMITS	PERMIT	35863
AIR NEW SOURCE PERMITS	PERMIT	51530
AIR NEW SOURCE PERMITS	PERMIT	51405
AIR NEW SOURCE PERMITS	PERMIT	51509
AIR NEW SOURCE PERMITS	PERMIT	71720
AIR NEW SOURCE PERMITS	PERMIT	55029
AIR NEW SOURCE PERMITS	PERMIT	54974
AIR NEW SOURCE PERMITS	PERMIT	1303
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	REGISTRATION	76879
AIR NEW SOURCE PERMITS	REGISTRATION	78657
AIR NEW SOURCE PERMITS	REGISTRATION	79303
AIR NEW SOURCE PERMITS	REGISTRATION	78882
AIR NEW SOURCE PERMITS	REGISTRATION	80152
AIR NEW SOURCE PERMITS	REGISTRATION	80427
AIR NEW SOURCE PERMITS	REGISTRATION	79898
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1085
AIR NEW SOURCE PERMITS	REGISTRATION	81904
AIR NEW SOURCE PERMITS	REGISTRATION	81967
AIR NEW SOURCE PERMITS	REGISTRATION	81976
AIR NEW SOURCE PERMITS	REGISTRATION	81949
AIR NEW SOURCE PERMITS	REGISTRATION	82408
AIR NEW SOURCE PERMITS	PERMIT	82405
AIR NEW SOURCE PERMITS	REGISTRATION	85930

AIR NEW SOURCE PERMITS	REGISTRATION	84832
AIR NEW SOURCE PERMITS	REGISTRATION	86674
AIR NEW SOURCE PERMITS	REGISTRATION	84153
AIR NEW SOURCE PERMITS	REGISTRATION	83014
AIR NEW SOURCE PERMITS	REGISTRATION	82438
AIR NEW SOURCE PERMITS	REGISTRATION	83021
AIR NEW SOURCE PERMITS	REGISTRATION	85494
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1897
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	ACCOUNT NUMBER	OCA002B
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	2075
UNDERGROUND INJECTION CONTROL	PERMIT	WDW054
UNDERGROUND INJECTION CONTROL	PERMIT	WDW055
UNDERGROUND INJECTION CONTROL	PERMIT	WDW191
UNDERGROUND INJECTION CONTROL	PERMIT	WDW282
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER	87432
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000057752
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	87432
STORMWATER	PERMIT	TXR05R439
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50395

Location: 3055A FM 1006, ORANGE COUNTY, TX, 77631
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: April 15, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 15, 2004 to April 15, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Trina Grieco Phone: (210) 403-4006

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: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 04/29/2006 **ADMINORDER 2005-1309-AIR-E**
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly report a final report to the regional office for an emissions event which occurred on March 16, 2005, from 0855-1334 hours (Incident Number 55416).

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter V 106.492
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit by Rule OP

Description: Failure to obtain an authorization for emissions released during an emissions event.

Effective Date: 04/26/2007

ADMINORDER 2006-1506-MLM-E

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(13)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(g)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure of the automatic waste feed valve to cutoff when the carbon monoxide (CO) level exceed 100 ppm. (A11, E6)

Effective Date: 08/31/2007

ADMINORDER 2006-1740-AIR-E

Classification: Moderate

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

Rqmt Prov: 1302, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: O-01350 OP

O-01868 OP

O-01996 OP

O-02075 OP

Description: Failed to report all instances of deviations.

Classification: Moderate

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

Rqmt Prov: O-01350 OP

Description: Failed to furnish the Executive Director copies of CEMS performance evaluations of the CGA of June 23, 2004 and February 15, 2005 within 60 days after the completion of the evaluations.

Classification: Moderate

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

Rqmt Prov: O-01350 OP

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

Classification: Minor

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

Rqmt Prov: O-01350 OP

Description: Failed to furnish the Administrator within 60 days of a performance evaluation two copies of a written report of the results of the performance evaluation.

Classification: Minor

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

Rqmt Prov: 1302 PERMIT

1303 PERMIT

1790 PERMIT

O-01868 OP

O-01897 OP

O-01996 OP

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

Classification: Moderate

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

Rqmt Prov: 1303 PERMIT
O-01996 OP

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

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

Rqmt Prov: 1303 PERMIT
O-01996 OP

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

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

Rqmt Prov: 1303 PERMIT
O-01996 OP

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

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

Rqmt Prov: O-02075 OP

Description: Failed to conduct opacity observations when the south and north Adiponitrile ("ADN") boilers fired liquid fuel for a period greater than or equal to 24 consecutive hours.

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

Rqmt Prov: 1468 PERMIT
O-02075 OP

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

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

Rqmt Prov: O-01868 OP

Description: Failed to provide verbal notification of the date of a CEMS performance evaluation at least 15 days prior to such date followed by a written notification of the completion of a performance evaluation to the Executive Director within 15 days after the testing is completed.

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

Rqmt Prov: 1790 PERMIT
O-01868 OP

Description: Failed to maintain an emission rate below the maximum allowable emission limit. Specifically, Tank No. 42 released VOCs when the tank internal floating roof was landed on its leg supports on 18 occasions from 02/05/2004 through 08/05/2005.

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

Rqmt Prov: O-01868 OP

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

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

Rqmt Prov: O-01868 OP

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

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

Rqmt Prov: O-01868 OP

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

Classification: Moderate

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

Rqmt Prov: O-01868 OP

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

Classification: Moderate

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

Rqmt Prov: O-01868 OP

Description: Failed to submit a semiannual report for the reporting period of February 2005 through July 2005 within 30 days after the reporting period as required by 40 CFR 60, Subpart VV.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter C 117.319(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01868 OP

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 1302 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1303 PERMIT
O-01996 OP

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

Effective Date: 02/18/2008

ADMINORDER 2007-0800-AIR-E

Classification: Moderate

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

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

Effective Date: 04/14/2008

ADMINORDER 2007-1392-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 03/23/2009

ADMINORDER 2008-1055-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter F 117.4045(c)
30 TAC Chapter 117, SubChapter F 117.4145(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01350, Special Condition 1A OP
O-01868; Special Condition 1A OP

Description: Failed to submit Excess Emission Reports in a timely manner for the Adipic Acid Unit and the Nitric Acid Unit. Specifically, the reports for first quarter 2007 were submitted four days late and the reports for second and third quarter 2007 were each submitted one day late.

Classification: Moderate

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

Rqmt Prov: O-01350, General Terms and Conditions OP
O-01868, General Terms and Conditions OP
O-01996, General Terms and Conditions OP

Description: Failed to report all deviations for reporting periods November 16, 2006 through May 15, 2007 and February 6, 2007 through August 5, 2007. Specifically, the Respondent failed to report failing to monitor 211 components on the semiannual deviation report ("SDR") for November 16, 2006 through May 15, 2007, and failed to report four deviations of failing to submit timely Excess Emission Reports for the SDRs for the reporting period of February 6, 2007 through August 5, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)(iii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01996, Special Condition 10B OP
O-01996, Special Condition 12A OP
O-01996, Special Condition 1A OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01996, Special condition 10B OP
O-01996, Special Condition 11A OP
O-01996, Special Condition 1A OP

Description: Failed to conduct fugitive emission monitoring on 22 containers containing hazardous waste prior to off-site shipment in 2006. Specifically, the containers with the following Manifest Nos. were not monitored: 82794, 90091, 65073, 106355, 106307, 106306, 3517981, 3517982, 3518086, 94510gbf, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94570, 94571, 94572, 94594, and 94602.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01996, Special Condition 10K OP
O-01996, Special Condition 1A OP

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

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)

Rqmt Prov: 1302, Special Condition 1 PERMIT
FOP O-02075, General Terms and Condition PERMIT
FOP O-02075, Special Condition 10 PERMIT
O-01897, General Terms and Conditions OP
O-01897, Special Condition 20 OP

Description: Failed to prevent unauthorized emissions. Specifically, 0.1 pound of hazardous air pollutant ("HAP") benzene was released from the Alkaline Waste Tank, emission point number ("EPN") PH3, 370 pounds ("lbs") of the HAP benzene were released from the Organic Sump Receiver, EPN PA39, and 1.7 lbs of the HAP benzene were released from the Secondary Overhead Decanter, EPN PH3, during an emissions event that occurred on March 6, 2008 and lasted 17 hours and five minutes.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	01/09/2005	(342338)
2	01/09/2005	(342430)
3	04/01/2005	(350766)
4	04/28/2005	(373043)
5	05/24/2005	(379312)
6	05/24/2005	(379315)
7	05/24/2005	(379319)
8	05/24/2005	(379320)
9	05/25/2005	(375873)
10	06/02/2005	(380477)
11	06/02/2005	(380478)
12	06/02/2005	(380479)
13	06/14/2005	(380139)
14	06/16/2005	(375902)
15	07/13/2005	(371442)
16	07/15/2005	(396196)
17	07/19/2005	(399166)
18	08/01/2005	(400359)
19	08/10/2005	(398957)
20	08/10/2005	(400558)
21	08/10/2005	(404172)
22	08/23/2005	(403155)
23	08/29/2005	(401553)
24	12/20/2005	(435764)
25	02/04/2006	(452682)
26	02/04/2006	(452777)
27	02/04/2006	(452802)
28	02/24/2006	(455241)
29	02/24/2006	(455270)
30	02/28/2006	(454898)
31	02/28/2006	(456852)
32	03/29/2006	(454950)
33	03/29/2006	(455158)
34	03/31/2006	(455549)
35	03/31/2006	(455654)
36	04/04/2006	(457614)
37	04/12/2006	(457852)

38	04/17/2006	(460939)
39	04/17/2006	(460946)
40	04/17/2006	(460954)
41	04/21/2006	(454956)
42	04/21/2006	(454957)
43	04/21/2006	(454958)
44	04/21/2006	(454959)
45	06/16/2006	(463560)
46	06/16/2006	(463571)
47	06/21/2006	(464221)
48	06/23/2006	(480996)
49	06/23/2006	(481017)
50	06/23/2006	(481019)
51	07/20/2006	(484913)
52	07/20/2006	(485963)
53	07/20/2006	(485968)
54	07/20/2006	(485969)
55	07/20/2006	(485971)
56	07/24/2006	(461204)
57	07/26/2006	(481814)
58	08/22/2006	(465303)
59	08/22/2006	(466183)
60	10/06/2006	(512239)
61	12/28/2006	(514339)
62	02/05/2007	(537778)
63	02/23/2007	(538459)
64	02/23/2007	(541266)
65	03/12/2007	(541557)
66	03/12/2007	(541574)
67	03/12/2007	(541590)
68	04/21/2007	(535339)
69	04/25/2007	(555441)
70	04/25/2007	(555450)
71	04/25/2007	(555458)
72	04/25/2007	(555461)
73	04/27/2007	(541223)
74	05/14/2007	(538489)
75	05/14/2007	(557950)
76	05/14/2007	(557953)
77	05/14/2007	(557957)
78	06/12/2007	(557102)
79	06/23/2007	(539926)
80	07/25/2007	(565849)
81	08/09/2007	(571422)
82	08/16/2007	(571631)
83	08/22/2007	(570261)
84	08/30/2007	(562644)
85	08/30/2007	(566856)
86	08/30/2007	(568012)
87	08/30/2007	(571333)
88	09/10/2007	(572212)
89	09/14/2007	(567770)
90	09/17/2007	(594734)
91	10/12/2007	(574446)
92	10/15/2007	(574456)
93	11/05/2007	(593742)
94	12/04/2007	(561550)
95	12/17/2007	(609889)
96	01/07/2008	(596377)

97 01/15/2008 (610016)
 98 01/22/2008 (609076)
 99 03/19/2008 (619136)
 100 03/25/2008 (637392)
 101 03/25/2008 (637395)
 102 03/25/2008 (637396)
 103 04/14/2008 (639247)
 104 04/17/2008 (615716)
 105 04/29/2008 (640223)
 106 04/29/2008 (640225)
 107 04/29/2008 (640226)
 108 04/29/2008 (646605)
 109 04/29/2008 (646607)
 110 04/29/2008 (646608)
 111 04/29/2008 (646610)
 112 05/07/2008 (640695)
 113 05/16/2008 (642022)
 114 05/23/2008 (680204)
 115 06/11/2008 (646225)
 116 07/17/2008 (686434)
 117 08/12/2008 (685946)
 118 08/12/2008 (687525)
 119 08/13/2008 (563999)
 120 08/21/2008 (685310)
 121 08/25/2008 (685636)
 122 08/25/2008 (687570)
 123 09/06/2008 (687106)
 124 09/06/2008 (687107)
 125 11/17/2008 (705683)
 126 11/17/2008 (705686)
 127 11/17/2008 (705688)
 128 11/17/2008 (706349)
 129 11/19/2008 (701258)
 130 11/20/2008 (700578)
 131 01/15/2009 (702702)
 132 02/03/2009 (725050)
 133 02/17/2009 (726685)
 134 02/17/2009 (726686)
 135 02/23/2009 (725908)
 136 03/18/2009 (725018)
 137 03/18/2009 (725023)
 138 03/24/2009 (737451)
 139 03/30/2009 (740333)
 140 04/08/2009 (735934)

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

Date: 06/14/2005 (380139) CN602582231
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
 Description: Failure to properly label hazardous waste tanks with the label of "Hazardous Waste."
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
 Description: Failure to immediately remove from service the leaking 1000 gallon hazardous waste tank system located at the P110 Tank Farm.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)
 Description: Failure to properly complete hazardous waste manifests.

Date: 05/15/2007 (538489)

CN602582231

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit an annual compliance certification no later than 30 days after the end of the certification period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit a deviation report no later than 30 days after the end of the reporting period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01868 OP

Description: Failure to conduct quarterly fugitive monitoring.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter C 117.419(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01868 OP

Description: Failure to furnish to the executive director, copies of CEMS performance evaluations within 60 days after the completion of the evaluations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter C 117.313(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01868 OP

Description: Failure to furnish the Administrator within 60 days of a performance evaluation, two copies of a written report of the results of the performance evaluation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter C 117.313(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01868 OP

Description: Failure to establish a conversion factor for the purpose of converting monitoring data into units of the emission standard.

Self Report? NO Classification: Minor
Citation: 1790 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01868 OP

Description: Failure to conduct an internal floating roof tank inspection at least once every 12 months after initial fill.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01868 OP
O-01996 OP

Description: Failure to conduct quarterly opacity observations.

Self Report? NO Classification: Moderate
Citation: 1303 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01996 OP

Description: Failure to operate the absorber in accordance with the representations in the confidential material submitted with the permit application, PI 1 dated August 1, 1996 and the permit alteration request dated May 11, 1998.

Self Report? NO Classification: Minor
Citation: 1303 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01996 OP

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

Self Report? NO Classification: Minor

Citation: 1303 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01996 OP

Description: Failure to note the performance of each inspection in the operator's log.

Self Report? NO Classification: Minor

Citation: 1303 PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01996 OP

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01996 OP

Description: Failure to make a first attempt at repairing a leak no later than five calendar days after a leak is found.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.144(3)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-01996 OP

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

Self Report? NO Classification: Moderate

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

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

Date: 06/13/2007 (557102) CN602582231

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02075, Special Condition 2F OP

Description: Failure to properly maintain records of an emissions event (Incident Number 88653).

Self Report? NO Classification: Moderate

Citation: 1302, Special Condition 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02075 General Terms and Conditions OP
FOP O-02075, Special Condition 10 OP

Description: Failure to maintain an emission rate below the allowable emission limit. B19(g)(1)

Date: 08/31/2007 (562644) CN602582231

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 3(B)(iv)(3) OP

Description: Failure to maintain a visible emission observation record for the 2006 Second Quarter as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 20, 2006 to October 20, 2006.

Self Report? NO Classification: Moderate

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

Description: Failure to conduct quarterly emission observations as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 20, 2006 to October 20, 2006.

Self Report?	NO	Classification:	Minor
Citation:	1302, Special Condition 5E PERMIT 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 113, SubChapter E 113.3050 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114 5C THC Chapter 382, SubChapter D 382.085(b) O-01897, General Terms and Conditions OP O-01897, Special Condition 1A OP O-01897, Special Condition 20 OP		
Description:	Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006, to October 20, 2006, and October 21, 2006, to April 20, 2007.		
Self Report?	NO	Classification:	Moderate
Citation:	1302, Special Condition 5E PERMIT 30 TAC Chapter 113, SubChapter E 113.3050 30 TAC Chapter 115, SubChapter D 115.354(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.107(b)(4) 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.119(c)(2) 5C THC Chapter 382, SubChapter D 382.085(b) O-01897, General Terms and Conditions OP O-01897, Special Condition 1A OP O-01897, Special Condition 20 OP		
Description:	Failure to conduct weekly audible, visual, or olfactory inspections of flanges as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(11) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) O-01897, General Terms and Conditions OP O-01897, Special Condition 1A OP		
Description:	Failure to leak-check all new connectors within 30 days of being placed in VOC service as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) O-01897, General Terms and Conditions OP O-01897, Special Condition 19 OP O-01897, Special Condition 1A OP		
Description:	Failure to conduct monthly visual inspection of the cold solvent degreaser (EPN FF900) as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 20, 2006 to October 20, 2006.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.164(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) O-01897, General Terms and Conditions OP O-01897, Special Condition 1A OP		
Description:	Failure to estimate the uncontrolled annual emission total for the batch process vents in the ADN/Promoter Unit as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.166(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) O-01897, General Terms and Conditions OP O-01897, Special Condition 1A OP		

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

Self Report? NO Classification: Moderate

Citation: 1302, Special Condition 4C PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 12 OP
O-01897, Special Condition 15 OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

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

Self Report? NO Classification: Minor

Citation: 1302, Special Condition 4 PERMIT
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)(2)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.105(a)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.106(d)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 23 OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 115, SubChapter E 115.412(1)(F)(iv)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 19 OP
O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.144(3)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110(e)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 14 OP
O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 1468, Special Condition 4 PERMIT
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 115, SubChapter B 115.121(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02075, General Terms and Conditions OP
O-02075, Special Condition 1A OP
O-02075, Special Condition 9 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02075, General Terms and Conditions OP

Description: Failure to conduct a visual emission observation for South ADN Boiler as reported in the Deviation Report for FOP O-02075 covering the reporting period of December 23, 2005, to June 23, 2006.
B1; MODERATE

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

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01898, General Terms and Conditions OP
 O-01898, Special Condition 1A OP
 O-01898, Special Condition 7 OP
 Description: Failure to conduct daily calibrations on CO CEMS as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

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

Self Report? NO Classification: Moderate
 Citation: 1387, Special Condition 8B PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01898, General Terms and Conditions OP
 O-01898, Special Condition 1A OP
 O-01898, Special Condition 7 OP
 Description: Failure to maintain all documentation of calibration gases as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

Self Report? NO Classification: Moderate
 Citation: 1387, Special Condition 6 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01898, General Terms and Conditions OP
 O-01898, Special Condition 1A OP
 O-01898, Special Condition 7 OP
 Description: Failure to maintain the combustion chamber temperature for Boiler 7 (EPN B7) as reported in the Deviation Report for FOP O-01898 covering the reporting period of September 18, 2006, to March 17, 2007.

Self Report? NO Classification: Moderate
Citation: 1387, Special Condition 9C PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP

Description: Failure to notify the TCEQ of a CEMS downtime in excess of 48 hours as reported in the Deviation Report for FOP O-01898 covering the reporting period of September 18, 2006, to March 17, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 117, SubChapter F 117.4145(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01350, General Terms and Conditions OP
O-01350, Special Condition 1A OP
O-01350, Special Condition 4B OP
O-01350, Special Condition 4E OP

Description: Failure to submit a copy of a Continuous Emissions Monitoring Systems (CEMS) performance evaluation within 60 days as reported in the Deviation Report for FOP O-01350 covering the reporting period of February 23, 2006, to August 22, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 117, SubChapter F 117.4140(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01350, General Terms and Conditions OP
O-01350, Special Condition 1A OP
O-01350, Special Condition 4E OP

Description: Failure to include all required data with the Cylinder Gas Audit (CGA) as reported in the Deviation Report for FOP O-01350 covering the reporting period of February 23, 2006 to August 22, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01350, General Terms and Conditions OP
O-01350, Special Condition 1A OP
O-01350, Special Condition 3(A)(iv)(3) OP

Description: Failure to maintain flare operation logs as reported in the Deviation Report for FOP O-01350 covering the reporting period of February 23, 2006 to August 22, 2006.

Date: 01/08/2008 (596377) CN602582231

Self Report? NO Classification: Moderate

Citation: 1468, Special Condition 4 PERMIT
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 115, SubChapter B 115.122(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02075, General Terms and Conditions OP
O-02075, Special Condition 10 OP
O-02075, Special Condition 1A OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
O-2075, Special Condition 10 OP

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

Self Report? NO Classification: Minor
 Citation: 1468, Special Condition 7B PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02075, General Terms and Conditions OP
 O-02075, Special Condition 10 OP
 O-02075, Special Condition 1A OP
 Description: Failure to conduct daily calibrations for North and South ADN Boiler (EPNs PP-40A and PP-40B) as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02075, General Terms and Conditions OP
 O-02075, Special Condition 1A OP
 Description: Failure to conduct a monthly Test Method 9 reading for North ADN Boiler (EPN PP-40A) and South ADN Boiler (EPN PP-40B) as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006.

Self Report? NO Classification: Minor
 Citation: 1468, Special Condition 7B PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02075, General Terms and Conditions OP
 O-02075, Special Condition 10 OP
 Description: Failure to complete a Cylinder Gas Audit (CGA) for North ADN Boiler (EPN PP-40B) during the third quarter of 2006 as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02075, General Terms and Conditions OP
 O-02075, Special Condition 14 OP
 Description: Failure to submit progress reports according to the Application Compliance Plan and Schedule (ACPS) as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006, and December 24, 2006, through June 23, 2007.

Date: 04/17/2008 (640064) CN602582231

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01996, General Terms and Conditions OP
 O-01996, Special Condition 14 OP
 O-01996, Special Condition 2H OP
 Permit 1303, Special Condition 2 PERMIT
 Description: Failure to maintain the Ammonia (NH3) concentration below the maximum concentration at the Low Pressure Absorber (LPA) as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of August 6, 2006, through November 15, 2006, and November 16, 2007, through May 15, 2007.

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

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01868, General Terms and Conditions OP O-01868, Special Condition 11 OP O-01868, Special Condition 1A OP O-01996, General Terms and Conditions OP O-01996, Special Condition 14 OP O-01996, Special Condition 1A OP Permit 1303, Special Condition 7E PERMIT Permit 1790, Special Condition 1E PERMIT		
Description:	Failure to conduct VOC Audio, Visual, and Olfactory (AVO) Inspections as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of August 6, 2006, through November 15, 2006, and from May 16, 2007, through November 15, 2007, and the Deviation Reports for FOP O-01868 covering the reporting periods of August 6, 2006, through February 5, 2007, and February 6, 2007, through August 5, 2007.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of August 6, 2006, through November 15, 2006; November 16, 2006, through May 15, 2007; and May 16, 2007, through November 15, 2007, and in the Deviation Reports for FOP O-01868 covering the reporting periods of August 6, 2006, through February 5, 2007, and February 6, 2007, through August 5, 2007.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 106, SubChapter A 106.8(c)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01350, General Terms and Conditions OP O-01350, Special Condition 7 OP O-01868, General Terms and Conditions OP O-01868, Special Condition 12 OP O-01996, General Terms and Conditions OP O-01996, Special Condition 15 OP		
Description:	Failure to maintain a copy of a Permit By Rule (PBR) as reported in the Deviation Reports for FOP O-01996 covering the reporting period of August 6, 2006, through November 15, 2006; FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007; and FOP O-01350 covering the reporting period of August 23, 2006, to February 5, 2007.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 106, SubChapter T 106.454(1)(E) 30 TAC Chapter 115, SubChapter E 115.412(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01996, General Terms and Conditions OP O-01996, Special Condition 15 OP O-01996, Special Condition 1A OP		
Description:	Failure to permanently attach a label to the solvent degreaser (EPN PE-65) as reported in the Deviation Reports for FOP O-01996 covering the reporting period of August 6, 2006, through November 15, 2006.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(5)(C) 5C THSC Chapter 382 382.085(b) O-01996, General Terms and Conditions OP		
Description:	Failure to report deviations.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01996, General Terms and Conditions OP O-01996, Special Condition 3B(iii)(1) OP		

Description: Failure to perform quarterly visible emission observations as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 14 OP
O-01996, Special Condition 1A OP
Permit 1303, Special Condition 7K PERMIT

Description: Failure to document repairs on components in heavy liquid service as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 14 OP
Permit 1303, Special 9E PERMIT

Description: Failure to conduct a NH3 AVO Inspection for Building 317 as reported in the Deviation Report for FOP O-01996 covering the reporting period of May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 14 OP
Permit 1303, Special Condition 3 PERMIT

Description: Failure to collect samples and analyze of the NH3 concentration as reported in the Deviation Report for FOP O-01996 covering the reporting period of May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Moderate

Citation: 1303, Special Condition 2 PERMIT
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)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 14 OP

Description: Failure to maintain the control efficiency at EPN PE-21 above the limit represented in the permit application as reported in the Deviation Report for FOP O-01996 covering the reporting period of May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 14 OP
Permit 1303, Special Condition 9E PERMIT

Description: Failure to document repairs of leaking components in ammonia (NH3) service as reported in the Deviation Reports for FOP O-01996 covering the reporting period of May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 10G OP
O-01996, Special Condition 1A OP

Description: Failure to maintain a signed and dated statement that the wastewater treatment system unit is designed to operate at the documented performance level when the waste stream entering the unit is at the highest waste stream flow rate and the pollutant Benzene is expected to be present as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.

	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1) 5C THSC Chapter 382 382.085(b) O-01996, General Terms and Conditions OP O-01996, Special Condition 10G OP O-01996, Special Condition 1A OP		
	Description:	Failure to maintain a sign and dated statement verifying the closed-vent system and control device is designed to operate at the documented performance level when the waste management unit is vented to the control device as reported in the Deviation Reports for FOP O-01996 covering the reporting period of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(iii) 5C THSC Chapter 382 382.085(b) O-01996, General Terms and Conditions OP O-01996, Special Condition 1A OP		
SAME? 4	Description:	Failure to destroy Benzene in the waste stream by incineration as reported in the Deviation Reports for FOP O-01996 covering the reporting period of November 16, 2006, through May 15, 2007.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01868, General Terms and Conditions OP O-01868, Special Condition 10 OP		
	Description:	Failure to conduct formal monthly inspections of equipment as reported in the Deviation Reports for FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007, and February 6, 2007, through August 5, 2007.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 117, SubChapter F 117.4040(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1) 5C THSC Chapter 382 382.085(b) O-01868, General Terms and Conditions OP O-01868, Special Condition 1A OP O-01868, Special Condition 1F OP		
	Description:	Failure to calibrate the Nitrogen Oxide Analyzer prior to startup as reported in the Deviation Reports for FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b) O-01868, General Terms and Conditions OP		
	Description:	Failure to submit a deviation report in a timely manner.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01868, General Terms and Conditions OP O-01868, Special Condition 1A OP O-01868, Special Condition 3A(iv)(1) OP O-01868, Special Condition 3B(iv)(1) OP		
	Description:	Failure to conduct Method 9 observations as reported in the Deviation Reports for FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01350, General Terms and Conditions OP O-01350, Special Condition 1A OP		

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter F 117.4140(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)
5C THSC Chapter 382 382.085(b)
O-01350, General Terms and Conditions OP
O-01350, Special Condition 1A OP
O-01350, Special Condition 4E OP

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01350, General Terms and Conditions OP
O-01350, Special Condition 3A(iv)(4) OP

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

Date: 08/14/2008 (563999) CN602582231

Self Report? NO Classification: Moderate

Citation: 1387, Special Condition 8B PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(j)(1)(ii)
5C THSC Chapter 382 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP
O-01898, Special Condition 7 OP

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

Self Report? NO Classification: Moderate

Citation: 1387, Special Condition 8A PERMIT
1387, Special Condition 9 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(3)
5C THSC Chapter 382 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP
O-01898, Special Condition 7 OP

Description: Failure to conduct daily calibrations on CO CEMS as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 18, 2007, to September 17, 2007.

Self Report? NO Classification: Moderate

Citation: 1387, Special Condition 6 PERMIT
1387, Special Condition 8B PERMIT
1387, Special Condition 9B PERMIT
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
5C THSC Chapter 382 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP
O-01898, Special Condition 2H OP
O-01898, Special Condition 7 OP

Description: Failure to maintain the stack gas concentration of Carbon Monoxide (CO) below 100 parts per million by volume (ppmv) as reported in the Deviation Reports for FOP O-01898 covering the reporting periods of March 18, 2007, to September 17, 2007, and September 18, 2007, to March 17, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP
O-01898, Special Condition 6 OP

Description: Failure to conduct monthly Method 9 observations of Stack 3 (EPN 11BLR-003) and Stack 4 (EPN 11BLR-004) as reported in the Deviation Reports for FOP O-01898 covering the reporting periods of March 18, 2007, to September 17, 2007, and September 18, 2007, to March 17, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
O-01898, General Terms and Conditions OP

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

Date: 08/21/2008 (685310) CN602582231

Self Report? NO Classification: Minor

Citation: 1302, Special Condition 5E PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(b)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(2)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Moderate

Citation: 1302, Special Condition 5E PERMIT
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.107(b)(4)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.119(c)(2)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

Description: Failure to conduct weekly audible, visual, or olfactory inspections of flanges as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

Description: Failure to leak check all new connectors within thirty days of being placed in VOC service as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Minor

Citation: 1302, Special Condition 4 PERMIT
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)(2)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(b)(1)

5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

Description: Failure to maintain the required records documenting the Startup, Shutdown, and Maintenance Plan (SSMP) procedures were followed as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP

Description: Failure to report a deviation.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 115, SubChapter E 115.412(1)(F)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(F)(iv)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

Description: Failure to operate a degreaser in accordance with 30 TAC 115.412 as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

Description: Failure to properly control a vent gas stream with a control efficiency of at least 98%, as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 21, 2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 3A(iv)1 OP

Description: Failure to conduct quarterly observations for the Nickel Catalyst Loading Facility as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 21, 2007, to October 20, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 3B(iv)(4) OP

Description: Failure to conduct a daily observation for the Operating Flare, Startup Flare, 3090 Flare, and Ammonia Flare as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Moderate

Citation: 1302, Special Condition 4C PERMIT
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.105(a)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

Description: Failure to make a first attempt of repair on the waste mix tank agitator within five days as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Minor

Citation: 1302, Special Condition 4B PERMIT
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

Description: Failure to submit a Hazardous Organic NESHAP (HON) report in a timely manner.

Self Report? NO Classification: Minor

Citation: 1302, Special Condition 4D PERMIT
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(e)(2)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

Description: Failure to submit a Hydrogen Cyanide (HCN) maximum Allowable Control Technology (MACT) report in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

Description: Failure to conduct quarterly observations for the fume abator as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2007, to April 20, 2008.

Date: 11/20/2008 (700578) CN602582231

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(g)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 10 OP
Special Condition 1A OP
Special Condition 2 PERMIT

Description: Failure to submit New Source Performance Standards (NSPS) reports in a timely manner.

Self Report? NO Classification: Minor

Citation: 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 report all deviations in a semi-annual deviation report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 20 OP
Special Condition 4B PERMIT

Description: Failure to submit NESHAP reports for process vents, storage vessels, transfer operations, and wastewater in a timely manner.

Date: 04/08/2009 (735934)

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)
General Terms and Conditions OP
Special Condition 10 OP
Special Condition 14 OP

Description: Failure to properly record and update the rolling 12-month Maintenance, Startup, and Shutdown (MSS) emissions on a monthly basis as reported in the deviation report for FOP O-01996 covering the reporting period of November 16, 2007, through May 15, 2008.

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)
General Terms and Conditions OP
Special Condition 14 OP
Special Condition 9E PERMIT

Description: Failure to document repairs of leaking components in NH3 service as reported in the Deviation Report for FOP O-01996 covering the reporting period of November 16, 2007, through May 15, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.115(a)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to determine the true vapor pressure using American Society for Testing and Materials test methods as reported in the deviation report for FOP O-01996 covering the reporting period of November 16, 2007, through May 15, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 14 OP
Special Condition 1A OP
Special Condition 7E PERMIT

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the deviation report for FOP O-01996 covering the reporting period of November 16, 2007, through May 15, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to make a first attempt at repair within 5 days after discovery of a leak as reported in the deviation report for FOP O-01996 covering the reporting period of November 16, 2007, through May 15, 2008.

F. Environmental audits.

Notice of Intent Date: 06/24/2004 (334680)

No DOV Associated

Notice of Intent Date: 05/25/2005 (398773)

No DOV Associated

Notice of Intent Date: 05/09/2006 (534755)

No DOV Associated

Notice of Intent Date: 06/28/2007 (571546)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INVISTA S.A R.L.;
RN104392626**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0561-AIR-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding INVISTA S.a r.l. (“INVISTA”) under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and INVISTA, represented by Christopher Thiele of the law firm of Vinson & Elkins LLP, presented this agreement to the Commission.

INVISTA understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, INVISTA agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon INVISTA.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. INVISTA owns and operates a nylon production plant located at 3055A FM Road 1006, Orange, Orange County, Texas (the “Plant”). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review conducted on February 13, 2009, a TCEQ Beaumont Regional Office investigator documented that INVISTA:

- a. Failed to maintain records of Audio, Visual, and Olfactory (“AVO”) inspections for ammonia leaks from the Fugitives Emission Point Number (“EPN”) PE-FUG, in the Hexamethylenediamine (“HMD”) Production Unit on February 15, April 17, 19, 22 and 24, 2008;
 - b. Failed to properly control volatile organic compound (“VOC”) vent gas streams from the Refining Ammonia Scrubber in the HMD Production Unit, so that destruction efficiency is 98%, or that VOC concentration is no more than 20 parts per million (“ppm”). Specifically, INVISTA reported 120 instances between November 16, 2007 through May 15, 2008 when the carbon monoxide (“CO”) concentration exceeded 100 ppm, which indicates a less than 98% destruction efficiency;
 - c. Failed to collect and analyze ammonia samples from the Low Pressure Absorber, EPN PE-21, in the HMD Production Unit at least once per 12-hour shift on April 14 and 27, 2008; and
 - d. Failed to incinerate benzene in the waste stream of Boiler 7, EPN B-7, in the HMD Production Unit. Specifically, on November 25, 2007, the CO concentration exceeded 100 ppm while burning hazardous waste, indicating that less than 99% of benzene was removed.
3. INVISTA received notice of the violations on or about April 13, 2009.
 4. The Executive Director recognizes that INVISTA implemented the following corrective measures at the Plant:
 - a. Modified the AVO inspection log records, began keeping an additional electronic copy of the logs, and implemented an additional review for the AVO logs;
 - b. Re-routed the Boiler 7 waste stream to Boilers 5 and 8, relocated thermocouples in all three boilers, and conducted boiler testing, an engineering analysis, and temperature monitoring to ensure 99% removal of benzene in accordance with 40 CFR 61.348(a)(1)(iii) and that the VOC vent gas streams from the Refining Ammonia Scrubber are controlled so that destruction efficiency is 98% in accordance with 30 TEX. ADMIN. CODE § 115.122(a)(2)(B); and
 - c. Began to collect and analyze ammonia samples from the Low Pressure Absorber in the HMD Unit at least once per 12-hour shift.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, INVISTA is subject to the jurisdiction of the TCEQ pursuant TEX. WATER CODE § 7.002.
2. As evidenced by Finding of Fact No. 2.a., INVISTA failed to maintain records of AVO inspections for ammonia leaks from the Fugitives EPN PE-FUG, in the HMD Production Unit on February 15, April 17, 19, 22 and 24, 2008, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Federal Operating Permit (“FOP”) No. O-01996, General Terms and Conditions and Special Conditions 1A and 14; New Source Review (“NSR”) Permit No. 1303, Special Condition 9E; and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 2.b, INVISTA failed to properly control VOC vent gas streams from the Refining Ammonia Scrubber in the HMD Production Unit, so that destruction efficiency is 98%, or that VOC concentration is no more than 20 ppm. Specifically, INVISTA reported 120 instances between November 16, 2007 through May 15, 2008 when the CO concentration exceeded 100 ppm, which indicates a less than 98% destruction efficiency, in violation of 30 TEX. ADMIN. CODE §§ 115.122(a)(2)(B) and 122.143(4); FOP No. O-01996, General Terms and Conditions and Special Condition 1A; and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 2.c., INVISTA failed to collect and analyze ammonia samples from the Low Pressure Absorber, EPN PE-21, in the HMD Production Unit at least once per 12-hour shift on April 14 and 27, 2008, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); FOP No. O-01996, General Terms and Conditions and Special Condition 14; NSR Permit No. 1303, Special Condition 3; and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 2.d, INVISTA failed to incinerate benzene in the waste stream of Boiler 7, EPN B-7, in the HMD Production Unit. Specifically, on November 25, 2007, the CO concentration exceeded 100 ppm while burning hazardous waste, indicating that less than 99 percent of benzene was removed, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4); 40 CFR § 61.348(a)(1)(iii); FOP No. O-01996, General Terms and Conditions and Special Condition 1A; and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against INVISTA for violations of state statutes within the Commission’s jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of twenty-two thousand six hundred sixty dollars (\$22,660.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, eleven thousand three hundred thirty dollars (\$11,330.00) of the administrative penalty shall be conditionally offset by INVISTA's completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. INVISTA's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement. INVISTA paid eleven thousand three hundred thirty dollars (\$11,330.00) of the administrative penalty.

ORDERING PROVISIONS

1. INVISTA is assessed an administrative penalty in the amount of twenty-two thousand six hundred sixty dollars (\$22,660.00) as set forth in Conclusion of Law No. 7. The payment of this administrative penalty and INVISTA's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "re: INVISTA S.a r.l., Docket No. 2009-0561-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 INVISTA.
3. If INVISTA 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, INVISTA's failure to comply is not a violation of this Agreed Order. INVISTA shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. INVISTA shall notify the Executive Director within seven days after INVISTA becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. 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 INVISTA shall be made in writing to the Executive Director. Extensions are not effective until INVISTA

receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. 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 INVISTA has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against INVISTA in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission’s jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV’T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to INVISTA, or three days after the date on which the Commission mails notice of this Agreed Order to INVISTA, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Attachment A
Supplemental Environmental Project

Attachment A
Docket Number: 2009-0561-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent: INVISTA S.a r.l
Penalty Amount: Twenty-two thousand six hundred sixty dollars (\$22,660.00)
SEP Offset Amount: Eleven thousand three hundred thirty dollars (\$11,330.00)
Type of SEP: Pre-approved
Third-Party Recipient: **Texas Association of RC&D** – *Clean School Buses*
Location of SEP: 106 Southern Louisiana-Southeast Texas

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of RC&D** to be used for the *Clean School Buses* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new cleaner technology. RC&D shall disburse SEP Funds to school districts, area transit agencies, or local governments on a needs-rated basis, using non-attainment area status, condition of buses, or economic status of recipient as possible rating factors if competition for funds exists. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing particulate matter (PM), and the ozone precursors NO_x and hydrocarbon (HC), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), a model year 2007 bus will be 90% cleaner in terms of particulate matter emissions than a model year 2004 bus. New HC and NO_x standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NO_x than a bus produced

to meet the 2004 federal standards for these pollutants. This SEP will provide a discernible environmental benefit by reducing exposure of children and other bus passengers to harmful air pollutants.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Marva Beck, President
Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Dr. Ste 510
Bryan, TX 77802

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Gregory Penland
For the Executive Director

5/3/2010
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on INVISTA's compliance history;
- Greater scrutiny of any permit applications submitted by INVISTA;
- 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 against INVISTA;
- Automatic referral to the Attorney General's Office of any future enforcement actions against INVISTA; and
- TCEQ seeking other relief as authorized by law.

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

Leslie Ray
Signature

3/10/10
Date

Leslie Ray
Name (Printed or typed)
Authorized representative of INVISTA S.a r.l.

Environmental Manager
Title