Executive Summary – Enforcement Matter – Case No. 41218
INVISTA S.a r.l.
RN102663671
Docket No. 2011-0310-AIR-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
AIR
Small Business:
No
Location(s) Where Violation(s) Occurred:
INVISTA S.a r.l., 2695 Old Bloomington Road North, Victoria, Victoria County
Type of Operation:
Chemical manufacturing plant
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: June 24, 2011
Comments Received: No

Penalty Information

Total Penalty Assessed: $5,625
Amount Deferred for Expedited Settlement: $1,125
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $2,250
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $2,250
Name of SEP: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Compliance History Classifications:
Person/CN - Average
Site/RN - Average
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: September 2002

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RN102663671
Docket No. 2011-0310-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: September 21, 2010 to October 18, 2010
Date(s) of NOE(s): February 11, 2011

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,379.2 pounds ("lbs") of ammonia phosphate, 883.23 lbs of carbon monoxide, 297.98 lbs of ammonia, 274 lbs of nitrogen oxides, 180.69 lbs of volatile organic compounds, and 0.43 lbs of sulfur dioxide from the Converter Flares, the Ammonia Start-Up Flare, and a flange in the Adiponitrile Unit during an avoidable emissions event (Incident No. 136214) that began on February 22, 2010 and lasted 49 hours and 30 minutes. This emissions event was caused by a corroded flange that leaked and resulted in the shutdown of related equipment. The corrosion was the result of the flange being made of material that was not suited for the type of service it was placed in. Since this emissions event could have been avoided through better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Federal Operating Permit No. O1904, Special Terms and Conditions No. 21, New Source Review Permit Nos. 7186 and PSDTX1079, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

2. The Order will also require the Respondent to:

a. Within 30 days, implement measures designed to ensure that flanges are constructed of the appropriate material for the service in which they are placed, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 136214; and

b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A

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RN102663671
Docket No. 2011-0310-AIR-E

Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
TCEQ SEP Coordinator: Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732
Respondent: Stephen W. Harvill, Plant Manager, INVISTA S.a r.l., P.O. Box 2626, Victoria, Texas 77902
Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0310-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Invista S.a r.l.**
Payable Penalty Amount:	**Four Thousand Five Hundred Dollars ($4,500)**
SEP Amount:	**Two Thousand Two Hundred Fifty Dollars ($2,250)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Texas Air Quality Control Region 216 – Houston-Galveston**

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 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 ***Houston-Galveston AERCO*** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx

reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

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

C. Minimum Expenditure

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP 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 amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

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 an 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	22-Feb-2011					
PCW	28-Feb-2011	**Screening**	28-Feb-2011	**EPA Due**	8-Nov-2011	

RESPONDENT/FACILITY INFORMATION

Respondent	INVISTA S.a r.l.		
Reg. Ent. Ref. No.	RN102663671		
Facility/Site Region	14-Corpus Christi	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No.	41218	**No. of Violations**	1
Docket No.	2011-0310-AIR-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Rebecca Johnson
		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*: **$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **125.0%** Enhancement — *Subtotals 2, 3, & 7*: **$3,125**

Notes: Enhancement for nine NOVs for same/similar violations, 20 NOVs for dissimilar violations, one order with denial of liability, and one order without denial of liability. Reduction for three Notice of Audit letters submitted and one Disclosure of Violations.

Culpability — No — **0.0%** Enhancement — *Subtotal 4*: **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5*: **$0**

Economic Benefit — **0.0%** Enhancement* — *Subtotal 6*: **$0**

Total EB Amounts $256
Approx. Cost of Compliance $3,000
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: **$5,625**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: **$5,625**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: **$5,625**

DEFERRAL — **20.0%** Reduction — *Adjustment*: **-$1,125**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: **$4,500**

Screening Date 28-Feb-2011 **Docket No.** 2011-0310-AIR-E **PCW**

Respondent INVISTA S.a r.l. *Policy Revision 2 (September 2002)*

Case ID No. 41218 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102663671

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	9	45%
	Other written NOVs	20	40%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	1	-2%

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

Adjustment Percentage (Subtotal 2) 125%

>> 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

Enhancement for nine NOVs for same/similar violations, 20 NOVs for dissimilar violations, one order with denial of liability, and one order without denial of liability. Reduction for three Notice of Audit letters submitted and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 125%

Screening Date 28-Feb-2011 **Docket No.** 2011-0310-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent INVISTA S.a r.l.

Case ID No. 41218

Reg. Ent. Reference No. RN102663671

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Federal Operating Permit No. O1904, Special Terms and Conditions No. 21, New Source Review Permit Nos. 7186 and PSDTX1079, Special Conditions No. 1, 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,379.2 pounds ("lbs") of ammonia phosphate, 883.23 lbs of carbon monoxide, 297.98 lbs of ammonia, 274 lbs of nitrogen oxides, 180.69 lbs of volatile organic compounds, and 0.43 lbs of sulfur dioxide from the Converter Flares, the Ammonia Start-Up Flare, and a flange in the Adiponitrile Unit during an avoidable emissions event (Incident No. 136214) that began on February 22, 2010, and lasted 49 hours and 30 minutes. This emissions event was caused by a corroded flange that leaked and resulted in the shutdown of related equipment. The corrosion was the result of the flange being made of a material that was not suited for the type of service in which it was placed. Since this emissions event could have been avoided through better maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events: 1 — 3 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $256

Statutory Limit Test

Violation Final Penalty Total $5,625

This violation Final Assessed Penalty (adjusted for limits) $5,625

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.
Case ID No. 41218
Req. Ent. Reference No. RN102663671
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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)	$3,000	22-Feb-2010	8-Nov-2011	1.71	$256	n/a	$256
Notes for DELAYED costs	Estimated expense to implement measures and procedures designed to ensure that flanges are constructed of the appropriate material for the service in which they are placed, in order to prevent flange leaks caused by corrosion. The Date Required is the date of the emissions event. The Final Date is the projected date corrective measures will be completed.						
Avoided Costs	**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $3,000

TOTAL $256

Compliance History

Customer/Respondent/Owner-Operator:	CN602582231	INVISTA S.a r.l.	Classification: AVERAGE	Rating: 4.95
Regulated Entity:	RN102663671	INVISTA SARL	Classification: AVERAGE	Site Rating: 1.46

ID Number(s):

AIR OPERATING PERMITS	PERMIT	1415
AIR OPERATING PERMITS	PERMIT	1865
AIR OPERATING PERMITS	PERMIT	1866
AIR OPERATING PERMITS	PERMIT	1867
AIR OPERATING PERMITS	PERMIT	1890
AIR OPERATING PERMITS	PERMIT	1904
AIR OPERATING PERMITS	PERMIT	1902
AIR OPERATING PERMITS	PERMIT	1903
AIR OPERATING PERMITS	ACCOUNT NUMBER	VCA001A
AIR OPERATING PERMITS	PERMIT	1904
AIR OPERATING PERMITS	PERMIT	1415
AIR OPERATING PERMITS	PERMIT	1865
AIR OPERATING PERMITS	PERMIT	1866
AIR OPERATING PERMITS	PERMIT	1867
AIR OPERATING PERMITS	PERMIT	1890
AIR OPERATING PERMITS	PERMIT	1902
AIR OPERATING PERMITS	ACCOUNT NUMBER	VC0008Q
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000057968
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50393
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50056
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	87449
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	24717
UNDERGROUND INJECTION CONTROL	PERMIT	WDW004
UNDERGROUND INJECTION CONTROL	PERMIT	WDW028
UNDERGROUND INJECTION CONTROL	PERMIT	WDW029
UNDERGROUND INJECTION CONTROL	PERMIT	WDW030
UNDERGROUND INJECTION CONTROL	PERMIT	WDW105
UNDERGROUND INJECTION CONTROL	PERMIT	WDW106
UNDERGROUND INJECTION CONTROL	PERMIT	WDW142
UNDERGROUND INJECTION CONTROL	PERMIT	WDW143
UNDERGROUND INJECTION CONTROL	PERMIT	WDW144
AIR NEW SOURCE PERMITS	REGISTRATION	93381
AIR NEW SOURCE PERMITS	REGISTRATION	93586
AIR NEW SOURCE PERMITS	REGISTRATION	93787
AIR NEW SOURCE PERMITS	REGISTRATION	93789

AIR NEW SOURCE PERMITS	REGISTRATION	93759
AIR NEW SOURCE PERMITS	REGISTRATION	94187
AIR NEW SOURCE PERMITS	REGISTRATION	93991
AIR NEW SOURCE PERMITS	REGISTRATION	94676
AIR NEW SOURCE PERMITS	REGISTRATION	93064
AIR NEW SOURCE PERMITS	REGISTRATION	92641
AIR NEW SOURCE PERMITS	REGISTRATION	92792
AIR NEW SOURCE PERMITS	REGISTRATION	93192
AIR NEW SOURCE PERMITS	REGISTRATION	93269
AIR NEW SOURCE PERMITS	REGISTRATION	92094
AIR NEW SOURCE PERMITS	REGISTRATION	92621
AIR NEW SOURCE PERMITS	REGISTRATION	92217
AIR NEW SOURCE PERMITS	REGISTRATION	91536
AIR NEW SOURCE PERMITS	REGISTRATION	92339
AIR NEW SOURCE PERMITS	PERMIT	809
AIR NEW SOURCE PERMITS	PERMIT	810
AIR NEW SOURCE PERMITS	PERMIT	812
AIR NEW SOURCE PERMITS	PERMIT	813
AIR NEW SOURCE PERMITS	PERMIT	7186
AIR NEW SOURCE PERMITS	REGISTRATION	7873
AIR NEW SOURCE PERMITS	PERMIT	9560
AIR NEW SOURCE PERMITS	REGISTRATION	14751
AIR NEW SOURCE PERMITS	PERMIT	20011
AIR NEW SOURCE PERMITS	PERMIT	23271
AIR NEW SOURCE PERMITS	PERMIT	31376
AIR NEW SOURCE PERMITS	REGISTRATION	37067
AIR NEW SOURCE PERMITS	REGISTRATION	43301
AIR NEW SOURCE PERMITS	REGISTRATION	43502
AIR NEW SOURCE PERMITS	REGISTRATION	43501
AIR NEW SOURCE PERMITS	REGISTRATION	44234
AIR NEW SOURCE PERMITS	REGISTRATION	45256
AIR NEW SOURCE PERMITS	REGISTRATION	45219
AIR NEW SOURCE PERMITS	REGISTRATION	47610
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	VC0008Q
AIR NEW SOURCE PERMITS	AFS NUM	4846900001
AIR NEW SOURCE PERMITS	REGISTRATION	71504
AIR NEW SOURCE PERMITS	REGISTRATION	71789
AIR NEW SOURCE PERMITS	REGISTRATION	56688
AIR NEW SOURCE PERMITS	REGISTRATION	73896

AIR NEW SOURCE PERMITS	REGISTRATION	74109
AIR NEW SOURCE PERMITS	REGISTRATION	73898
AIR NEW SOURCE PERMITS	REGISTRATION	76575
AIR NEW SOURCE PERMITS	REGISTRATION	77089
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1079
AIR NEW SOURCE PERMITS	REGISTRATION	80416L
AIR NEW SOURCE PERMITS	REGISTRATION	83151
AIR NEW SOURCE PERMITS	REGISTRATION	94004
AIR NEW SOURCE PERMITS	REGISTRATION	94186
AIR NEW SOURCE PERMITS	REGISTRATION	94270
AIR NEW SOURCE PERMITS	REGISTRATION	86050
AIR NEW SOURCE PERMITS	REGISTRATION	85686
AIR NEW SOURCE PERMITS	REGISTRATION	85648
AIR NEW SOURCE PERMITS	REGISTRATION	95026
AIR NEW SOURCE PERMITS	REGISTRATION	94933
AIR NEW SOURCE PERMITS	REGISTRATION	95034
AIR NEW SOURCE PERMITS	REGISTRATION	94982
AIR NEW SOURCE PERMITS	REGISTRATION	94983
AIR NEW SOURCE PERMITS	REGISTRATION	94992
AIR NEW SOURCE PERMITS	REGISTRATION	85497
AIR NEW SOURCE PERMITS	REGISTRATION	91290
AIR NEW SOURCE PERMITS	REGISTRATION	87563
AIR NEW SOURCE PERMITS	REGISTRATION	85650
AIR NEW SOURCE PERMITS	REGISTRATION	82508
AIR NEW SOURCE PERMITS	REGISTRATION	82501
AIR NEW SOURCE PERMITS	REGISTRATION	82498
AIR NEW SOURCE PERMITS	REGISTRATION	82497
AIR NEW SOURCE PERMITS	REGISTRATION	85492
AIR NEW SOURCE PERMITS	REGISTRATION	85383
AIR NEW SOURCE PERMITS	REGISTRATION	87075
AIR NEW SOURCE PERMITS	REGISTRATION	87893
AIR NEW SOURCE PERMITS	REGISTRATION	85647
AIR NEW SOURCE PERMITS	REGISTRATION	84582
AIR NEW SOURCE PERMITS	REGISTRATION	84639
AIR NEW SOURCE PERMITS	REGISTRATION	83137
AIR NEW SOURCE PERMITS	REGISTRATION	85112
AIR NEW SOURCE PERMITS	REGISTRATION	91357
AIR NEW SOURCE PERMITS	REGISTRATION	85493
AIR NEW SOURCE PERMITS	REGISTRATION	89642

AIR NEW SOURCE PERMITS	REGISTRATION	87314
AIR NEW SOURCE PERMITS	REGISTRATION	89577
AIR NEW SOURCE PERMITS	REGISTRATION	92605
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1216
AIR NEW SOURCE PERMITS	REGISTRATION	90518
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2350014
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2350014
WASTEWATER	PERMIT	WQ0000476000
WASTEWATER	EPA ID	TX0006050
WASTEWATER LICENSING	LICENSE	WQ0000476000
WATER LICENSING	LICENSE	2350014
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30079
POLLUTION PREVENTION PLANNING	ID NUMBER	P06852
STORMWATER	PERMIT	TXR05W362
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	VC0008Q

Location: 2695 OLD BLOOMINGTON RD NORTH, VICTORIA, TX, 77905

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: February 28, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 28, 2006 to February 28, 2011

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

Name: Rebecca Johnson Phone: (361) 825-3423

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: 9/1/2010 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: 03/23/2006 **ADMINORDER 2004-1661-AIR-E**

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to satisfy all demonstrations criteria or gain regulatory authority for emissions released from an emissions events occurring on February 14, 18, and 20, 2004.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit an initial notification required by 30 TAC 101.201(a) electronically to the commission using electronic forms provided by the commission

Effective Date: 10/18/2009 **ADMINORDER 2009-0364-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Federal Operating Permit O-01904 STC 2F OP

Description: Failure to submit an initial notification for a reportable emissions event within 24 hours after the discovery of the event, specifically, the initial notification for Incident Number 117032 was made nine days after the 24 hour submittal period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Federal Operating Permit O-01904 STC1&2 OP
TCEQ NSR Permit 7186 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event, TCEQ STEERS Incident 117032 which occurred on November 14, 2008. Specifically, Invista released 969.9 lb of benzene (VOC) [adjusted emissions to ensure consistent Penalty Calculation and Speciation is 877.66 lb of VOCs] to the atmosphere. The unauthorized release was the result of a malfunction/failure of the Number 1 Digester Agitator Seal associated to the Adipo Nitrile Cooling Tower (EPN 10CLT-040).

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 03/10/2006 (455886)

2 04/06/2006 (460445)

3 04/17/2006 (461073)

4 04/17/2006 (461077)

5 04/17/2006 (461086)

6 04/20/2006 (461087)

7 05/24/2006 (466249)

8 03/21/2006 (468479)

9 04/17/2006 (468480)

10 04/17/2006 (468481)

11 09/11/2006 (480748)

12 08/16/2006 (480810)

13 08/03/2006 (481151)

14 07/26/2006 (483662)

15 06/29/2006 (484348)

16 07/20/2006 (485919)

17 07/20/2006 (485929)

18 07/20/2006 (485932)

19 07/20/2006 (485937)

20 07/20/2006 (485945)

21 07/20/2006 (485952)

22 07/20/2006 (485954)

23 07/20/2006 (485955)

24 07/20/2006 (485958)

25 08/23/2006 (488306)

26 08/23/2006 (497463)

27 08/23/2006 (497472)

28 08/23/2006 (497475)

29 08/23/2006 (497483)

30 08/23/2006 (497492)

31 05/15/2006 (498232)

32 06/21/2006 (498233)

33 08/30/2006 (510315)

34 10/18/2006 (511051)

35 10/19/2006 (514682)

36 02/01/2007 (515996)

37 11/29/2006 (519264)

38 11/29/2006 (519758)

39 08/21/2006 (520246)

40 09/18/2006 (520247)

41 02/02/2007 (531101)

42 12/11/2006 (531155)

43 12/19/2006 (531162)

44 12/11/2006 (531175)

45 12/11/2006 (531182)

46 12/11/2006 (531191)

47 12/11/2006 (531202)

48 12/19/2006 (531422)

49 01/29/2007 (537705)

50 02/18/2007 (537803)

51 01/29/2007 (538352)

52 02/18/2007 (539640)

53 02/12/2007 (539987)

54 03/01/2007 (541470)

55 04/12/2007 (542261)

56 04/12/2007 (542269)

57 08/22/2007 (542395)

58 05/18/2007 (542686)

59 02/15/2007 (544559)

60 10/16/2006 (544560)

61 11/21/2006 (544561)

62 12/15/2006 (544562)

63 01/12/2007 (544563)

64 04/25/2007 (555676)

65 04/25/2007 (555682)

66 04/25/2007 (555686)

67 04/25/2007 (555687)

68 04/25/2007 (555689)

69 04/25/2007 (555693)

70 04/25/2007 (555696)

71 04/25/2007 (555701)

72 04/25/2007 (555703)

73 04/13/2007 (556837)

74 05/01/2007 (558646)

75 05/09/2007 (559220)

76	05/07/2007	(559350)
77	07/05/2007	(559351)
78	06/04/2007	(560990)
79	06/06/2007	(562395)
80	07/02/2007	(563428)
81	07/02/2007	(564165)
82	07/03/2007	(564755)
83	08/22/2007	(569878)
84	08/16/2007	(570143)
85	08/16/2007	(570147)
86	08/30/2007	(570185)
87	06/16/2008	(570815)
88	08/16/2007	(571604)
89	08/16/2007	(571614)
90	08/16/2007	(571616)
91	08/16/2007	(571619)
92	08/23/2007	(572798)
93	08/28/2007	(573322)
94	08/31/2007	(574265)
95	03/19/2007	(575377)
96	04/17/2007	(575378)
97	05/14/2007	(575379)
98	06/15/2007	(575380)
99	07/20/2007	(575381)
100	11/01/2007	(594093)
101	11/01/2007	(594098)
102	09/14/2007	(594267)
103	09/26/2007	(594958)
104	11/01/2007	(595170)
105	11/01/2007	(595230)
106	11/01/2007	(595233)

107 11/01/2007 (595237)

108 11/15/2007 (595985)

109 10/23/2007 (596420)

110 11/20/2007 (600236)

111 11/20/2007 (600239)

112 08/17/2007 (601635)

113 09/20/2007 (601636)

114 10/18/2007 (601637)

115 10/18/2007 (601638)

116 11/19/2007 (608779)

117 11/19/2007 (608781)

118 01/23/2008 (614402)

119 01/23/2008 (614408)

120 01/28/2008 (615679)

121 02/12/2008 (617428)

122 02/11/2008 (617896)

123 02/22/2008 (619038)

124 02/29/2008 (619177)

125 11/16/2007 (619531)

126 12/19/2007 (619532)

127 02/26/2008 (636167)

128 02/21/2008 (636191)

129 06/13/2008 (636198)

130 08/28/2008 (637941)

131 04/29/2008 (641484)

132 04/29/2008 (641495)

133 04/29/2008 (641498)

134 04/29/2008 (641502)

135 04/29/2008 (641503)

136 04/29/2008 (641506)

137 04/29/2008 (641507)

138 04/29/2008 (641509)

139 04/29/2008 (641511)

140 05/28/2008 (670942)

141 11/13/2008 (671370)

142 02/19/2008 (672057)

143 03/19/2008 (672058)

144 04/17/2008 (672059)

145 04/10/2008 (672060)

146 06/03/2008 (681610)

147 06/12/2008 (682746)

148 06/12/2008 (682758)

149 09/16/2008 (682835)

150 08/28/2008 (685079)

151 08/06/2008 (685463)

152 08/27/2008 (687467)

153 08/06/2008 (687657)

154 08/19/2008 (687695)

155 05/19/2008 (689969)

156 06/18/2008 (689970)

157 08/27/2008 (701071)

158 10/13/2008 (703125)

159 11/17/2008 (705741)

160 11/17/2008 (706565)

161 11/17/2008 (706567)

162 11/17/2008 (706570)

163 11/17/2008 (706571)

164 11/17/2008 (706574)

165 11/17/2008 (706577)

166 11/20/2008 (708258)

167 12/05/2008 (709059)

168 12/04/2008 (709080)

169 12/05/2008 (709083)

170 08/18/2008 (710755)

171 09/17/2008 (710756)

172 10/20/2008 (710757)

173 10/20/2008 (710758)

174 03/03/2009 (722660)

175 03/10/2009 (726867)

176 03/10/2009 (726881)

177 11/17/2008 (727498)

178 08/31/2010 (738159)

179 04/07/2009 (739997)

180 04/07/2009 (740846)

181 08/11/2009 (741096)

182 04/07/2009 (741321)

183 04/29/2009 (741884)

184 04/29/2009 (741889)

185 04/29/2009 (741890)

186 04/29/2009 (741892)

187 04/29/2009 (741894)

188 04/29/2009 (741897)

189 04/29/2009 (741901)

190 04/29/2009 (741903)

191 04/29/2009 (741907)

192 05/05/2009 (743096)

193 06/10/2009 (743884)

194 08/10/2009 (744080)

195 07/06/2009 (744541)

196 05/07/2009 (744694)

197 06/17/2009 (745213)

198 07/29/2009 (745216)

199 06/12/2009 (747644)

200 06/17/2009 (748198)

201 06/17/2009 (749599)

202 06/30/2009 (749914)

203 02/19/2009 (750285)

204 03/15/2009 (750286)

205 04/16/2009 (750287)

206 04/08/2009 (750288)

207 12/16/2008 (750289)

208 08/25/2009 (759774)

209 07/09/2009 (759851)

210 07/23/2009 (760840)

211 08/25/2009 (760849)

212 07/31/2009 (761451)

213 08/10/2009 (762823)

214 07/29/2009 (762893)

215 08/11/2009 (762901)

216 08/11/2009 (762912)

217 07/29/2009 (762917)

218 11/09/2009 (767740)

219 05/18/2009 (768380)

220 06/11/2009 (768381)

221 11/09/2009 (775614)

222 11/09/2009 (775617)

223 11/09/2009 (775621)

224 11/09/2009 (775622)

225 11/09/2009 (775623)

226 11/09/2009 (775624)

227 09/21/2009 (776248)

228 11/20/2009 (781559)

229 11/20/2009 (781565)

230 11/12/2009 (782121)

231 12/29/2009 (782480)

232 12/29/2009 (782481)

233 12/29/2009 (782482)

234 12/10/2009 (784690)

235 04/01/2010 (787844)

236 05/26/2010 (787845)

237 01/29/2010 (789998)

238 03/25/2010 (791404)

239 03/25/2010 (791407)

240 02/25/2010 (792065)

241 04/05/2010 (792860)

242 03/31/2010 (795039)

243 08/03/2010 (798917)

244 07/01/2010 (798973)

245 04/21/2010 (799851)

246 07/01/2010 (799992)

247 07/01/2010 (799995)

248 07/16/2010 (799996)

249 02/18/2010 (804700)

250 08/20/2009 (804701)

251 09/16/2009 (804702)

252 10/01/2009 (804703)

253 11/19/2009 (804704)

254 12/17/2009 (804705)

255 01/14/2010 (804706)

256 05/25/2010 (824296)

257 02/11/2011 (825978)

258	07/07/2010	(827543)
259	07/28/2010	(828124)
260	07/28/2010	(828129)
261	07/28/2010	(828133)
262	07/28/2010	(828138)
263	07/28/2010	(828140)
264	07/28/2010	(828146)
265	07/28/2010	(828148)
266	07/28/2010	(828150)
267	07/28/2010	(828155)
268	07/09/2010	(828171)
269	07/23/2010	(828303)
270	07/23/2010	(828304)
271	08/10/2010	(828305)
272	03/16/2010	(830901)
273	04/19/2010	(830902)
274	05/11/2010	(830903)
275	07/27/2010	(841403)
276	07/27/2010	(841412)
277	07/28/2010	(842264)
278	07/29/2010	(842337)
279	07/29/2010	(842343)
280	09/10/2010	(843915)
281	09/10/2010	(843919)
282	09/10/2010	(843926)
283	08/24/2010	(844890)
284	08/25/2010	(845969)
285	06/17/2010	(846275)
286	08/26/2010	(848907)
287	09/15/2010	(850212)
288	09/15/2010	(850218)

289 09/15/2010 (850220)

290 09/15/2010 (850224)

291 09/29/2010 (850379)

292 09/29/2010 (850381)

293 09/29/2010 (850383)

294 07/19/2010 (860869)

295 10/01/2010 (865236)

296 08/18/2010 (866836)

297 11/12/2010 (873553)

298 09/20/2010 (873907)

299 11/30/2010 (879413)

300 10/20/2010 (881508)

301 01/21/2011 (886217)

302 01/24/2011 (886744)

303 01/26/2011 (887766)

304 11/16/2010 (888035)

305 12/20/2010 (896248)

306 02/23/2011 (900149)

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

Date: 07/31/2006 (520246)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/16/2006 (480810)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Special Provision 1 PERMIT
Description: The regulated entity failed to gain an affirmative defense for emissions released during a startup activity.

Date: 02/01/2007 (515996)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Effluent Limitations, Outfall 131, 141 PERMIT
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)

TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)

Description: Failure to prevent the unauthorized discharge of process wastewater co-mingled with storm water from the Equistar (Lyondell) manufacturing unit via the Rice Canal and Outfall 003.

Date: 03/31/2007 (575378)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2007 (575381)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (601635)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/22/2007 (542395)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
General Term and Conditions, O-01865 OP

Description: Failure to submit the semi-annual deviation report for Federal Operating Permit (FOP) O-01865, encompassing the period of February 17, 2006 through August 16, 2006, no later than 30 days after the end of the reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to include all instances of deviations in the deviation report submitted for Federal Operating Permit (FOP) O-01865.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
General Terms and Conditions, O-01904 OP

Description: Failure to submit the semi-annual deviation reports for Federal Operating Permit (FOP) O-01904, encompassing the periods of May 31, 2006 through November 30, 2006; and December 31, 2006 through May 30, 2007, no later than 30 days after the end of the reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)

Description: Failure to submit the Permit Compliance Certification (PCC) for Federal Operating Permit (FOP) O-01904, encompassing the period of May 31, 2006 through May 30, 2007, no later than 30 days after the end of the certification period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-01904, SC 3(A)(iv)(1) OP

Description: Invista failed to conduct periodic monitoring for unit ID nos. 10FLT063 and 10FLT063A during the 2nd and 3rd quarters, May 31, 2006 through November 30, 2006, as required by FOP O-01904 - Special Condition No. 3A(iv)(1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-01904, SC No. 22 OP

Description: Failure to conduct periodic monitoring for the degreasing unit ID no. 10DEG068 during the month of January 2007 as required by periodic monitoring requirements specified for the degreaser in FOP O-01904 - Special Condition No. 22 which requires permit holders to comply with periodic monitoring requirements contained within the permit. The unit is required to conduct monthly visual inspections and record the data.

Date: 08/22/2007 (569878)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to prevent visible emissions which exceeded the opacity of 20 percent averaged over a six minute period. Specifically, the Regulated Entity reported 62 instances of exceeding the 20 percent average, and of these 62 reported instances, a total of 41 instances lasted longer than six minutes, from a period of February 17, 2006 through August 13, 2006. At least 14 instances for exceeding the opacity of 20 percent average were reported from August 23, 2006 through February 13, 2007.

Date: 08/28/2007 (573322)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Description: Failure to comply with the Federal Operating Permit (FOP) Reporting Terms and Conditions. Specifically, the regulated entity failed to submit the deviation report for the second six-month period for Title V FOP No. O-01902 within the 30 days after the reporting period of November 3, 2006 through May 2, 2007. The second deviation report was due no later than June 4, 2007, but was not submitted until June 29, 2007 (received on July 2, 2007).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)

Description: Failure to comply with the Federal Operating Permit (FOP) Compliance Certification Terms and Conditions. Specifically, the regulated entity failed to submit the annual compliance certification for Title V FOP No. O-01902 within the 30 days after the certification period of May 3, 2006 through May 2, 2007. The annual compliance certification was due no later than June 4, 2007, but was not submitted until June 29, 2007 (received on July 2, 2007).

Date: 08/31/2007 (601636)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2008 (672059)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/28/2008 (701071)

Self Report? NO Classification: Moderate

Citation: 1904 OP
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)

Description: Failure to perform daily visible emissions observations. Specifically, the regulated entity failed to conduct 76 required daily observations on the HCN Converter No. 1 Flare from April 8, 2008 to June 22, 2008, and one observation for the NH3 Flare (Unit ID 10FLR004) on October 25, 2007. The HCN Converter No. 1 Flare includes Unit IDs 10FLR001, 10FLR002, 10FLR003, and 10FLR003A found in TCEQ Air Permit Number No. 7186.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
7186 PERMIT
General Terms & Condtions OP

Description: Failure to submit the start of construction notification within 15 days. Specifically, the regulated entity began construction on January 8, 2008 and was required to submit the start of construction notification no later than January 23, 2008. The start of construction notification was submitted 26 days late on February 18, 2008. Refer to New Source Review Permit No. 7186 Amendment dated January 8, 2008.

Date: 08/28/2008 (687467)

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 THSC Chapter 382 382.085(b)
FOP O-01890 General Terms and Conditions OP

Description: Failure to submit a deviation report no later than 30 days after the end of the each reporting period. Specifically, the deviation report for the period of February 1, 2007 through July 31, 2007, due no later than August 30, 2007, was submitted by INVISTA S.a.r.l., Victoria Site fifty-nine days (59) later on September 28, 2007. This further constitutes a violation of special terms and conditions of Title V - Federal Operating Permit No. O-01890 and Texas Health and Safety Code §382.085(b).

Date: 08/29/2008 (637941)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain a copy of, and include with each applicable offsite waste shipment, a notice stating that the waste contains benzene. Specifically, a shipment of 12 spent carbon canisters containing benzene was returned to the vendor without the proper notice on February 28, 2007.
This further constitutes a violation of special terms and conditions of Title V - Federal Operating Permit No. O-01866 and 5C Texas Health and Safety Code §382.085(b).

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)
NSR 31376 - SC No. 4 PA

Description: Failure to conduct quarterly visual or physical inspection checks on process wastewater drain seals for indications of low water levels or other conditions that would reduce the effectiveness of water seal controls. Specifically, quarterly overflow water seal inspections were not conducted for the Acids EQ Tank (08TFX-001) and 311 EQ Tank (08TFX-002) during the 4th Quarter of 2007 and the 1st Quarter of 2008.

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)
NSR 23271 - Special Condition 14 PA

Description: Failure to comply with special conditions of this permit which apply to the fugitive emissions components. This further constitutes a violation of special terms and

conditions of Title V - Federal Operating Permit No. O-01902 and 5C Texas Health and Safety Code § 382.085(b).

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)
NSR 23271 - Special Condition 22 PA

Description: Failure to comply with special conditions of the permit which apply to cooling basin water sampling methods. INVISTA S.a.r.l. failed to monitor the cooling basin water in accordance with the requirements specified in the permit condition.
This further constitutes a violation of special terms and conditions of Title V - Federal Operating Permit No. O-01902 and Texas Health and Safety Code § 382.085(b).

Self Report? NO Classification: Minor

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

Description: Failure to report all instances of deviations for each emission unit addressed in the permit within the relative 6-month deviation report. Specifically, during the July 8, 2008 onsite audit it was found that INVISTA S.a.r.l. had not been conducting cooling basin water analysis as required by TCEQ NSR 23271. This indication of non-compliance was not reported as a deviation within the relative reporting period of November 3, 2007 to May 2, 2008, which was due no later than June 2, 2008.

Date: 07/31/2009 (761451)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. WQ0000476-001 PERMIT

Description: Failure to maintain compliance with the permit limits at Outfall 001 for daily average and maximum flow for 7/2007 and 6/2007, respectively.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. WQ0000476-003, 101, 141 PERMIT

Description: Failure to maintain compliance with the permitted effluent limits for Total Organic Carbon (TOC) daily average at Outfall 141 for 7/2007; pH su at Outfall 003 for 8/2007; Total Suspended Solids (TSS) maximum at Outfall 101 for 8/2007; TSS daily average and maximum at Outfall 101 for 3/2008.

Date: 08/10/2009 (744080)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to notify the TCEQ Corpus Christi Region Office via STEERS of a reportable emissions event within 24 hours after the discovery. Specifically, an emissions event, STEERS Incident No. 121932, was discovered on March 25, 2009 at 09:00 hours (which was due to be electronically submitted to STEERS by March 26, 2009 at 09:00 hours); however, the event was not reported electronically to STEERS until March 27, 2009 at 16:43 hours.

Self Report? NO Classification: Moderate

Citation: [FOP No. O-01904] STC 2 OP
[FOP No. O-01904] STC 21 OP
[NSR No. 7186/PSD-TX-1079] SC 1 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event, TCEQ STEERS Incident No. 121932 which was discovered on March 25, 2009 at 09:00 hours. Specifically, Invista released the following to the atmosphere: 3,317.5 lbs (1.66 tons) of 1,3 butadiene; 875.0 lbs of carbon monoxide (CO); 438.29 lbs of nitrogen oxides (NOx); and 1.91 lbs of sulfur dioxide (SO2). The unauthorized release was the result of a valve being inadvertently left open.

Date: 08/11/2009 (741096)

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)
NSR 20011 - SC 9 (F) PA
SC 12 OP

Description: Failure to track and maintain tank throughputs, temperature, and emissions on a monthly basis as required by the permit. Specifically, a system to record all of the specified parameters had not been implemented after the permit authorization date of May 21, 2008.

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)
FOP O-01415 - SC 12 OP
NSR 20011 - SC 7 (E) PA

Description: Failure to comply with special conditions of this permit which apply to the fugitive emissions from piping, valves, connectors, pumps, agitators, and compressors. Specifically, an open ended line (OEL) discovered during an inspection on July 15, 2008 was not rectified until July 21, 2008 when monitoring read leaking emissions prior to plugging the line.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.890
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(d)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)
5C THSC Chapter 382 382.085(b)
FOP O-01415 - SC 1 OP

Description: Failure to perform and record weekly AVO inspections on equipment subject to Miscellaneous Organic NESHAPS (MON) service. Specifically, one agitator (OP. 11 Trimer Reactor #441) in the C-12 Intermediates was not inspected for thirteen weeks after the initial compliance date for the MON.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01867 - SC 1 OP
NSR 812 General Provisions / (SC 3) PA

Description: Failure to maintain records containing information and data sufficient to

demonstrate compliance with conditions of the permit. Specifically, for Boiler No. 4, opacity excursions that exceeded twenty (20) percent averaged over a six minute period were not sufficiently recorded to demonstrate compliance with permit special conditions.

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 THSC Chapter 382 382.085(b)

Description: Failure to create a final record of reportable and non-reportable emissions events no later than two weeks after the end of the event. Specifically, a recordable emission event occurred at the West Power / Boiler No. 4 unit on October 18, 2008, however, the record was not created until November 11, 2008.

Date: 08/26/2009 (759774)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.350
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.691(b)(1)
FOP No. 1865 STC No. 1A and 1E OP

Description: Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. One open-ended line in benzene service was found not to have been equipped with a plug, cap, blind flange or second valve on December 16, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 OP

Description: Failure to include all instances of deviations for Federal Operating Permit (FOP) No. O-01904 in the semi-annual deviation reports dated June 30, 2008 and April 30, 2009. The regulated entity failed to include in the following deviation report a total of one deviation from December 1, 2007 through May 30, 2008 and seven deviations from October 1, 2008 through March 31, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 OP

Description: Failure to include or reference, the identification of all other terms and conditions of the permit for which compliance was not achieved in Federal Operating Permit (FOP) No. O-01904 Permit Compliance Certification. Specifically, by failing to report all instances of deviations in the Permit Compliance Certification for the certification period of May 31, 2008 through March 31, 2009, the regulated entity failed to certify an accurate report for the period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC No. 21 OP
NSR No. 7186 SC No. 27B PERMIT

Description: Failure to prevent a second cool down of the Natural Gas Purification Unit. Specifically, INVISTA Sarl was authorized for one cool down of the NGP unit in a rolling 12 month period, but cool downs occurred on April 20, 2008 and January 16, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC No. 21 OP
NSR No. 7186 SC No. 21 PERMIT

Description: Failure to perform daily visible emissions observations. Specifically, the regulated entity failed to conduct 24 required daily observations on the HCN Converter No. 1 Flare from May 31, 2008 to June 23, 2008, and 7 required daily visible emissions observations for the NH3 Start-up flare (10FLR004) on October 8, 11, 12, 13, 2008, January 27, 2009, March 3, 2009, and March 28, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.350
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)

40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)
FOP No.1904 STC No. 21 OP
NSR No. 7186 SC No. 17 PERMIT

Description: Failure to properly operate or equip each open-ended line (OEL) with a cap, blind flange, plug or a second valve. There were 43 OELs in VOC service and 36 OELs in hazardous air pollutant service were found not to have been equipped with a plug, cap, blind flange or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC No. 21 OP
NSR 7186 No. 17 PERMIT

Description: Failure to perform the required quarterly 40 CFR 60 Appendix A - Method 21 monitoring in the ADN unit for fugitive emissions for two quarters on eight valves. Specifically, there were 16 instances that valves were not monitored during the second and third quarters for 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC No. 21 OP

Description: Failure to repair or replace a leaking connector within 15 days after the leak was detected. Specifically, the leaking connector was initially placed on the delay of repair list, but was determined a repair could be made without a process shutdown.

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)
FOP No. 1904, STC No. 21 OP
NSR No. 7186 SC No. 17 PERMIT

Description: Failure to record MSS activities authorized in NSR Air Permit No. 7186 and complete monthly tracking for the 12 month rolling totals.

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 61.342(f)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(c)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC No. 7 OP

Description: Failure to properly document benzene NESHAP waste manifest notifications for 59 waste shipments.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(e)(4)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC No. 21 OP

Description: Failure to perform weekly visual inspections during the second week of October 2008 on the 49 pumps in the No. 1 and No. 2 tank farms. The tanks were still in VOC service even though the ADN unit was shutdown.

Date: 12/29/2009 (782480)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(c)
PP. VII. Operating Parameters PERMIT

Description: Failure to maintain differential annulus pressure of at least 100 psi.

Date: 12/29/2009 (782481)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(c)
PP. VII. Operating Parameters PERMIT

Description: Failure to maintain differential annulus pressure of at least 100 psi.

Date: 05/31/2010 (846275)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/02/2010 (798973)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 20011, SC 1 PA
SC 12 OP

Description: Failure to comply with applicable tank emissions limitations represented in the permit. Specifically, the maximum gallons per hour fill rates for ten tanks (07TFX023, 07TFX026A, 07TFX026B, 07TFX033A, 07TFX033B, 07TFX038A, 18TFX072, 18TFX073, 18TFL027, and 18TFL065) at various times were exceeded during one hundred twenty-two instances during the relevant reporting period of February 1, 2009 through January 31, 2010.

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)
SC 12 OP
SC 7 (E) PA

Description: Failure to comply with special conditions of this permit which apply to the fugitive emissions from piping, valves, connectors, pumps, agitators, and compressors. Specifically, thirteen (13) open ended lines (OEL) were discovered during the period of February 1, 2009 through January 31, 2010.

Date: 07/02/2010 (799992)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR 810 SC 1 PA
SC 11 OP

Description: Failure to comply with applicable tank emissions limitations represented in the permit. Specifically, the 12-month rolling throughput for tanks 06TFX034, 06TFX032, and 06TFX051 were exceeded during the relevant reporting period of February 1, 2009 through January 31, 2010.
This further constitutes a violation of special terms and conditions of Title V Federal Operating Permit No. O-01890 and Texas Health and Safety Code §382.085(b).

Date: 07/02/2010 (799995)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
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)
NSR 809, SC 7 PA
SC 11 OP

Description: Failure to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Seventeen instances of incomplete documentation for AVO inspection requirements to demonstrate compliance with the permit occurred during the relevant period of February 17, 2009 through January 31, 2010.

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)
FOP O-01867, SC 11 OP
NSR 809, SC 1 PA

Description: Failure to maintain emission values and operational conditions authorized by the permit. Specifically, within the permit's Emissions Sources - Maximum Allowable Emissions Rates or provisions, there is no authorization for the intermittent emissions associated with unknown sources of ammonia routed to the "Emergency Flare" (EPN 14FLR001A).

Date: 07/13/2010 (828171)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
FOP No. 1865 OP

Description: Failure to include or reference in the Federal Operating Permit (FOP) No. O-01865 Permit Compliance Certification the identification of all other terms and conditions of the permit for which compliance was not achieved. Specifically, by failing to report all instances of deviations in the Permit Compliance Certification for certification period February 17, 2008 through February 16, 2009, the regulated entity failed to certify an accurate report for the 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)(A)
5C THSC Chapter 382 382.085(b)
FOP No. 1865 OP

Description: Failure to include all instances of deviations for Federal Operating Permit (FOP) No. O-01865 in the semi-annual deviation reports dated March 18, 2009 and August 31, 2009. The regulated entity failed to include in the following deviation reports a total of one deviation from August 17, 2008 through February 16, 2009, and a total of four deviations from February 17, 2009 through July 31, 2009.

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 61.356(g)
5C THSC Chapter 382 382.085(b)
FOP No. 1865 STC 7A and 7C OP

Description: Failure to perform quarterly inspections and maintain records of quarterly inspections for the Individual Drain System (IDS). Specifically, INVISTA did not conduct the required inspections for the first and second quarter of January 1, 2009 through June 30, 2009, and the third quarter from August 1, 2009 through December 9, 2009.

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 61.356(g)
5C THSC Chapter 382 382.085(b)
FOP No. 1865 STC 1A and 1C OP

Description: Failure to perform quarterly inspections and maintain records of quarterly inspections for the Closed Vent System (CVS). Specifically, INVISTA did not conduct the required inspections for the first and second quarter of January 1, 2009 through June 30, 2009, and the third quarter from August 1, 2009 through November 19, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 OP

Description: Failure to include or reference in the Federal Operating Permit (FOP) No. O-01904 Permit Compliance Certification the identification of all other terms and conditions of the permit for which compliance was not achieved. Specifically, by failing to report all instances of deviations in the Permit Compliance Certification for certification period April 1, 2009 through March 31, 2010, the regulated entity failed to certify an accurate report for the 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)(A)
FOP No. 1904 OP

Description: Failure to include all instances of deviations for Federal Operating Permit (FOP) No. O-01904 in the semi-annual deviation reports dated April 1, 2009 through September 30, 2009, and October 1, 2009 through March 31, 2010. Specifically the regulated entity did not report all the deviations in the aforementioned reporting periods, and the deviations for failure to report not submitting the complete semi-annual deviation reports was included.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to notify within 10 days following the installation or modification of the facilities. Specifically, INVISTA submitted the required PI-7 form for PBR 106.262 as required to authorize a speciation change for a storage tank 3 days late on April 9, 2010.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC No. 21 OP

Description: Failure to perform daily visible emissions observations. Specifically, the regulated entity failed to conduct a required daily observation on the Ammonia Start-up flare (10FLR004) on October 18 and 19, 2009.

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)
FOP No. 1904 STC No. 21 OP
NSR Permit No. 7186 SC No.1 PERMIT

Description: Failure to operate within represented limits for the annual throughput on the Crude PN/MGN Tank (10TFX037); the vessel temperature for 228 monthly instances; and vapor pressure for 144 monthly instances. Specifically, for the reporting period of April 1, 2009 through March 31, 2010, INVISTA exceeded the throughput limit, maximum vapor pressure, and maximum temperatures of tank vessels.

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)
FOP No. 1904 STC Nos. 10 and 21 OP
NSR Permit No. 7186 SC No. 17 PERMIT

Description: Failure to make the first attempt at repair for one valve within 5 days after the leak was detected. Specifically, the leaking valve (034742) was repaired on October 2, 2009, 3 days after the 5th day deadline of September 29, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.350
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)
40 CFR Part 63, Subpart H 63.167
FOP No. 1904 STC No. 21 OP
NSR Permit No. 7186 SC No. 17 PERMIT

Description: Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. There were 58 OELs in VOC service or HAP (hazardous air pollutant) service, that were found not to have been equipped with a plug, cap, blind flange or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC Nos. 10 and 21 OP
NSR Permit No. 7186 SC No. 17 PERMIT

Description: Failure to identify and monitor valves and connectors quarterly. Specifically, 5 valves were not monitored from April 1, 2009 through June 30, 2009; 55 valves and 316 connectors associated with 4 analyzer boxes in the ADN unit were not monitored from April 1, 2009 through September 23, 2009; and 6 valves and 26 connectors in the Step 2 area of the ADN unit were not monitored from April 1, 2009 through September 30, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.211(b)(1)(E)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC Nos. 2F and 2G OP

Description: Failure to complete event records with the agency-established facility identification number and emission point numbers descriptions, and times in which the event occurred within 14 days of the events. Specifically, INVISTA did not complete the records for 5 non-reportable emissions events and 30 non-reportable maintenance event records from October 1, 2009 through March 31, 2010; and a final record for an event from April 1, 2009 through September 30, 2009.

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)
FOP No. 1904 STC No. 21 OP
NSR Permit No. 7186 SC No. 1 PERMIT

Description: Failure to operate within permit limits for loading activities. Specifically, INVISTA exceeded the annual loading limit for 2M3SS material (10LTR061) from April 1,

2009 through September 30, 2009; and exceeded the short term loading limit 23 times for the ADN railcars (10LRC041A,B,C) from April 1 through 26, 2009.

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 61.356(g)
5C THSC Chapter 382 382.085(b)
FOP No.1904 STC Nos. 1A, 1B, 1C, and 9G OP

Description: Failure to perform the required quarterly visual inspections for benzene NESHAPS. Specifically, the visual inspections were not conducted for 2 IDS (Individual Drain Systems) in the ADN Unit for the quarters of October 1, 2009 through March 31, 2010, 1 IDS in the ADN Unit and IDS using water seal controls for the quarter for April 1, 2009 through June 30, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)
5C THSC Chapter 382 382.085(b)
FOP No. 1904 STC No. 10 OP

Description: Failure to perform monthly monitoring on 2 pumps, 2 agitators with seal flushes in light liquid service, and 6 heavy liquid pumps with seal flushes in light liquid service from April 1, 2009 through June 30, 2009.

Date: 07/16/2010 (799996)

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)
NSR 23271, SC 14(E) PA
SC 15 OP

Description: Failure to comply with special conditions of this permit which apply to the fugitive emissions. Specifically, one (1) open ended lines (OEL) were discovered during the relevant reporting period of May 1, 2009 through April 30, 2010.
This further constitutes a violation of special terms and conditions of Title V Federal Operating Permit No. O-01902 and Texas Health and Safety Code §382.085(b).

Date: 07/23/2010 (828303)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(c)
PP. VII. Operting Parameters OP

Description: Failure to maintain differential pressure of at least 100 psi.

Date: 07/23/2010 (828304)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(c)
PP. VII. Operting Parameters OP

Description: Failure to maintain differential pressure of at least 100 psi.

Date: 08/10/2010 (828305)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)
II. A. Standard Permit Conditions PERMIT
III. D. General Inspection Requirements PERMIT

Description: Failure to maintain documentation of daily tank inspections as required.

F. Environmental audits.

Notice of Intent Date: 06/28/2007 (571554)

No DOV Associated

Notice of Intent Date: 01/22/2008 (639322)
Disclosure Date: 07/23/2008

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

Description: Failure to estimate the block-hourly average net heating value of the vent stream combusted in the ADN Operating Flare. The ADN Operating Flare was less than 300 Btu/scf for 33 hours in May 2004, 3 hours in October 2004, 2 hours in March 2006, 11 hours in June 2006, 1 hour in June 2007, and 12 hours in July 2007.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to submit a complete Emissions Inventory in 2006. In preparing the 2006 Emissions Inventory for the INVISTA Victoria Plant, 93% destruction efficiency was not assumed for the periods in 2006 identified above under Item 1 when the ADN Operating Flare did not satisfy the minimum net heating value specified by the regulations.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)

Description: Failure to include all emissions deviations in Title V deviation report and compliance certifications.

Notice of Intent Date: 09/08/2010 (887568)

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. RN102663671	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2011-0310-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INVISTA S.a r.l. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 2695 Old Bloomington Road North in Victoria, Victoria County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 16, 2011.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Five Thousand Six Hundred Twenty-Five Dollars ($5,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Two Hundred Fifty

Dollars ($2,250) of the administrative penalty and One Thousand One Hundred Twenty-Five Dollars ($1,125) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Thousand Two Hundred Fifty Dollars ($2,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of Federal Operating Permit No. O1904, Special Terms and Conditions No. 21, New Source Review Permit Nos. 7186 and PSDTX1079, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from September 21, 2010 to October 18, 2010. Specifically, the Respondent released 2,379.2 pounds ("lbs") of ammonia phosphate, 883.23 lbs of carbon monoxide, 297.98 lbs of ammonia, 274 lbs of nitrogen oxides, 180.69 lbs of volatile organic compounds, and 0.43 lbs of sulfur dioxide from the Converter Flares, the Ammonia Start-Up Flare, and a flange in the Adiponitrile Unit during an avoidable emissions event (Incident No. 136214) that began on February 22, 2010 and lasted 49 hours and 30 minutes. This emissions event was caused by a corroded flange that leaked and resulted in the shutdown of related equipment. The corrosion was the result of the flange being made of material that was not suited for the type of service it was placed in. Since this emissions event could have been avoided through better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INVISTA S.a r.l., Docket No. 2011-0310-AIR-E" to:

   Financial Administration Division, Revenues Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Two Hundred Fifty Dollars ($2,250) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that flanges are constructed of the appropriate material for the service in which they are placed, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 136214; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission,

including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ _____
For the Executive Director Date 7/7/2011

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

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

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

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

_____ _____
Signature Date May 24, 2011

Stephen W. Harvill _____ Plant Manager
Name (Printed or typed) Title
Authorized Representative of
INVISTA S.a r.l.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-0310-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Invista S.a r.l.**
Payable Penalty Amount:	**Four Thousand Five Hundred Dollars ($4,500)**
SEP Amount:	**Two Thousand Two Hundred Fifty Dollars ($2,250)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Texas Air Quality Control Region 216 – Houston-Galveston**

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 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 ***Houston-Galveston AERCO*** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx

reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

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

C. Minimum Expenditure

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP 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 amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

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