Executive Summary – Enforcement Matter – Case No. 43864
INVISTA S.a r.l
RN104244942
Docket No. 2012-0684-AIR-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
AIR
Small Business:
No
Location(s) Where Violation(s) Occurred:
INVISTA La Porte Plant, 12455 Strang Road, La Porte, Harris 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: September 21, 2012
Comments Received: No

Penalty Information

Total Penalty Assessed: $8,304
Amount Deferred for Expedited Settlement: $1,660
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $3,322
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $3,322
Name of SEP: Harris County – Ambient Air Pollutants Monitoring Study
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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Docket No. 2012-0684-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: September 27, 2011 through September 29, 2011
Date(s) of NOE(s): February 16, 2012

Violation Information

1. Failed to comply with representations in the permit application for New Source Review ("NSR") Permit No. 2925. Specifically, Respondent exceeded the represented fill rate for Tank Facility Identification. No. ("FIN") TF-11T, TF-25T, and TF-53T and the butanol loading rate for FIN TF30-T [30 TEX. ADMIN. CODE §§ 116.116(a)(1) and 122.143(4), Federal Operating Permit ("FOP") No. O-01908 Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to report all deviations. Specifically, Respondent failed to report the exceedances of the fill rate for Tank FINs TF-11T, TF-25T, and TF-53T and/or butanol loading rate for FIN TF-30T/EPN TF-26L in April 1, 2009 through September 30, 2009, October 1, 2009 through March 31, 2010 reporting periods. Respondent also failed to report the failure to monitor 549 connectors and 76 valves in the April 1, 2007 through March 31, 2008, April 1, 2008 through March 31, 2009, and April 1, 2009 through September 30, 2009 reporting periods [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O-01908 STC No. 15, and Tex. Health & Safety Code § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Plant:

a. On April 1, 2010, implemented a spreadsheet based system to track tank levels every hour, equate the amount of material filled in the tank per hour and check the filled amount to the maximum fill rate, represented in the permit application, to identify any potential exceedance. The spreadsheet is also used to identify any deviations that would need to be reported;

b. On July 27, 2010, submitted corrected representations for the butanol loading rate for Tank FIN/Emission Point No. TF-26L;

c. On December 10, 2010, submitted corrected representations for the maximum fill rates for Tank FINs TF-11T, TF-25T, and TF-53T;

d. By May 2, 2011, completed a comprehensive review of the Leak Detection and Repair ("LDAR") program at the Plant, discovered 549 connectors and 76 valves that had not

been monitored, added the missed components to the LDAR program, and reported the components in the deviation report dated May 2, 2011; and

e. On June 6, 2012, obtained the amendment to NSR Permit No. 2925 that included the corrected representations for the butanol loading rate and the maximum fill rates for the Tanks.

Technical Requirements:

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

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Gary C. Huffman, Plant Manager, INVISTA S.a r.l, 12455 Strang Road, La Porte, Texas 77571
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0684-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**INVISTA S.a r.l**
Penalty Amount:	**Six Thousand Six Hundred Forty-Four Dollars ($6,644)**
SEP Offset amount:	**Three Thousand Three Hundred Twenty-Two Dollars ($3,322)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Harris County – *Ambient Air Pollutants Monitoring Study***
Location of SEP:	**Harris County**

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

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by Harris County for the *Ambient and Meteorological Air Monitoring Project* as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to install or retrofit, operate, maintain, and potentially expand air monitoring stations in Harris County to continuously monitor ambient air for total non-methane hydrocarbons and hazardous air pollutants ("HAPs"). Specifically, SEP funds will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

b. Environmental Benefit

The project will provide additional air monitoring data to identify any HAPs emissions in the targeted locations. The information may help local government better inform citizens about air toxins and enable regulators to better identify emission sources.

c. Minimum Expenditure

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

2. Performance Schedule

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

Harris County
c/o Latrice Babin, Ph.D.
Environmental Toxins & Special Project Manager
101 South Richey, Suite H
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. 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 Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Offset amount identified in this Agreed Order has not been, and shall not be, included as a SEP for 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	21-Feb-2012				
PCW	4-Jun-2012	Screening	22-Mar-2012	EPA Due	

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	43864	No. of Violations	2
Docket No.	2012-0684-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$4,400**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **91.0%** Enhancement *Subtotals 2, 3, & 7* **$4,004**

Notes: Enhancement for nine NOVs with same/similar violations, four NOVs with dissimilar violations, and two agreed orders with denial of liability. Reduction for two Notices of Intent to conduct an audit.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **$100**

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

Total EB Amounts $568
Approx. Cost of Compliance $4,500

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$8,304**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$8,304**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$8,304**

DEFERRAL **20.0%** Reduction *Adjustment* **-$1,660**

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 **$6,644**

Screening Date	22-Mar-2012	**Docket No.** 2012-0684-AIR-E	**PCW**
Respondent	INVISTA S.a r.l		*Policy Revision 2 (September 2002)*
Case ID No.	43864		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN104244942		
Media [Statute]	Air		
Enf. Coordinator	James Nolan		

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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		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) 91%

>> 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 with same/similar violations, four NOVs with dissimilar violations, and two agreed orders with denial of liability. Reduction for two Notices of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 91%

Screening Date 22-Mar-2012 **Docket No.** 2012-0684-AIR-E **PCW**

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

Case ID No. 43864 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN104244942

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.116(a)(1) and 122.143(4), Federal Operating Permit ("FOP") No. O-01908 Special Terms and Conditions No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with representations in the permit application for New Source Review Permit No. 2925. Specifically, the Respondent exceeded the represented fill rate for Tank Facility Identification Nos. ("FINs") TF-11T, TF-25T, and TF-53T and the butanol loading rate for FIN TF-30T.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: The Respondent demonstrated that the hourly emissions rates were not exceeded during the period of non-compliance. Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 4 800 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $4,000

Four single events are recommended, one for each tank.

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 $4,000

Economic Benefit (EB) for this violation

Estimated EB Amount $343

Statutory Limit Test

Violation Final Penalty Total $7,640

This violation Final Assessed Penalty (adjusted for limits) $7,640

Economic Benefit Worksheet

Respondent INVISTA S.a r.l
Case ID No. 43864
Req. Ent. Reference No. RN104244942
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$1,500	20-Jan-2009	1-Apr-2010	1.19	$90	n/a	$90
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs	$1,500	20-Jan-2009	6-Jun-2012	3.38	$253	n/a	$253
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Record Keeping System cost is the estimated cost of developing a spreadsheet system to track tank filling and loading rates. Permit Costs are the estimated costs of amending or revising permit to include correct tank fill and butanol loading rate representations. The Respondent updated the fill and loading rates on a permit amendment that was already under review at TCEQ. The Date Required is the date of the first documented violation and the Final Dates are the date of compliance.

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 $343

Screening Date	22-Mar-2012	**Docket No.** 2012-0684-AIR-E	**PCW**
Respondent	INVISTA S.a r.l		*Policy Revision 2 (September 2002)*
Case ID No.	43864		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN104244942		
Media [Statute]	Air		
Enf. Coordinator	James Nolan		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O-01908 Special Terms and Conditions No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report all deviations. Specifically, the Respondent failed to report the exceedances of the fill rate for Tank FINs TF-11T, TF-25T, and TF-53T and/or butanol loading rate for FIN TF-30T/EPN TF-26L in April 1, 2009 through September 30, 2009, October 1, 2009 through March 31, 2010 reporting periods. The Respondent also failed to report the failure to monitor 549 connectors and 76 valves in the April 1, 2007 through March 31, 2008, April 1, 2008 through March 31, 2009, and April 1, 2009 through September 30, 2009 reporting periods.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More than 70% of the requirement was met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events: 4

1097 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $400

Four single events are recommended, one for each incomplete report.

Good Faith Efforts to Comply

25.0% Reduction — $100

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

Notes: Corrective actions were completed by May 2, 2011, and the NOE was issued on February 16, 2012.

Violation Subtotal $300

Economic Benefit (EB) for this violation

Estimated EB Amount $225

Statutory Limit Test

Violation Final Penalty Total $664

This violation Final Assessed Penalty (adjusted for limits) $664

Economic Benefit Worksheet

Respondent INVISTA S.a r.l
Case ID No. 43864
Req. Ent. Reference No. RN104244942
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$1,500	30-Apr-2008	2-May-2011	3.01	$225	n/a	$225

Notes for DELAYED costs: The economic benefit for failing to report the tank fill or loading rates is included in the Record Keeping System cost in Violation No. 1. Other delayed cost is the estimated cost for identifying the components that were not monitored and for reporting the deviation. The Date Required is the due date of the first deviation report, and the Final Date is the date the deviation was reported.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $1,500

TOTAL $225

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602582231	INVISTA S.a r.l.	Classification: AVERAGE	Rating: 5.23
Regulated Entity:	RN104244942	INVISTA LA PORTE PLANT	Classification: AVERAGE	Site Rating: 10.42

ID Number(s):			
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	87431
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000057745
	AIR NEW SOURCE PERMITS	AFS NUM	4820101558
	AIR NEW SOURCE PERMITS	REGISTRATION	92422
	AIR NEW SOURCE PERMITS	REGISTRATION	71941
	AIR NEW SOURCE PERMITS	REGISTRATION	75469
	AIR NEW SOURCE PERMITS	REGISTRATION	72392
	AIR NEW SOURCE PERMITS	PERMIT	2925
	AIR NEW SOURCE PERMITS	PERMIT	28315
	AIR NEW SOURCE PERMITS	REGISTRATION	74282
	AIR NEW SOURCE PERMITS	REGISTRATION	74302
	AIR NEW SOURCE PERMITS	REGISTRATION	78582
	AIR NEW SOURCE PERMITS	REGISTRATION	79364
	AIR NEW SOURCE PERMITS	REGISTRATION	78884
	AIR NEW SOURCE PERMITS	REGISTRATION	80943
	AIR NEW SOURCE PERMITS	REGISTRATION	81312
	AIR NEW SOURCE PERMITS	REGISTRATION	83114
	AIR NEW SOURCE PERMITS	REGISTRATION	86999
	AIR NEW SOURCE PERMITS	REGISTRATION	87864
	AIR NEW SOURCE PERMITS	REGISTRATION	84571
	AIR NEW SOURCE PERMITS	REGISTRATION	86847
	AIR NEW SOURCE PERMITS	REGISTRATION	84305
	AIR NEW SOURCE PERMITS	REGISTRATION	84214
	AIR NEW SOURCE PERMITS	REGISTRATION	90952
	AIR NEW SOURCE PERMITS	REGISTRATION	99659
	AIR NEW SOURCE PERMITS	REGISTRATION	99671
	AIR NEW SOURCE PERMITS	REGISTRATION	100530
	AIR NEW SOURCE PERMITS	REGISTRATION	87817
	AIR NEW SOURCE PERMITS	REGISTRATION	99378
	AIR OPERATING PERMITS	PERMIT	1891
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HGA004D
	STORMWATER	PERMIT	TXR05R407
	POLLUTION PREVENTION PLANNING	ID NUMBER	P06987
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HGA004D

Location:	12455 STRANG RD, LA PORTE, TX, 77571
TCEQ Region:	REGION 12 - HOUSTON
Date Compliance History Prepared:	March 21, 2012
Agency Decision Requiring Compliance History:	Enforcement
Compliance Period:	March 21, 2007 to March 21, 2012

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

Name: James Nolan Phone: (512) 239 - 6634

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. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 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: 06/26/2010 ADMINORDER 2009-1538-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1A and 15 OP
SC 3A and 4A OP

Description: Failure to meet the minimum heating value for Step 1 Flare (EPN TF-09C). Specifically, the Respondent averaged a heating value of 212.22 British thermal units per standard cubic feet ("Btu/scf") for 3,408 hours during April 12, 2007 through October 11, 2007, which was below the required minimum heating value of 300 Btu/scf. During this time period, no unauthorized emissions were documented from the Step 1 Flare as a result of the low heating value.

Effective Date: 12/25/2010 ADMINORDER 2010-0635-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)
5C THSC Chapter 382 382.085(b)

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

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	04/30/2007	(558631)
2	08/16/2007	(568739)
3	08/24/2007	(573483)
4	08/29/2008	(610518)
5	03/28/2008	(640570)
6	04/09/2008	(641218)
7	08/26/2008	(689352)
8	07/07/2009	(703616)
9	08/31/2009	(703622)
10	01/13/2009	(708528)
11	03/23/2009	(739101)
12	09/11/2009	(765313)
13	01/13/2010	(767408)
14	01/29/2010	(767637)
15	10/12/2009	(777324)
16	07/29/2009	(777421)
17	02/23/2010	(789239)
18	03/30/2010	(791967)
19	03/12/2010	(792870)
20	11/23/2010	(858345)
21	12/27/2010	(858350)
22	05/27/2011	(878156)
23	03/28/2011	(899333)
24	11/30/2011	(952408)

25 02/16/2012 (952410)

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

Date: 04/09/2008 (641218) CN602582231

Self Report? NO Classification: Moderate

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

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

Date: 08/26/2008 (689352) CN602582231

Self Report? NO Classification: Minor

Citation: 01891 OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

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

Date: 08/29/2008 (610518) CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
NSR Permit 2925, Special Condition 7E PERMIT
Special Condition 15 OP
Special Condition 1A OP

Description: Failure to seal open-ended lines.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 15 OP
Special Condition 1A OP
Special Condition 4 PERMIT

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 15 OP
Special Condition 1A OP
Special Condition 4 PERMIT

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

Self Report? NO Classification: Moderate

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

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

Date: 01/13/2009 (708528) CN602582231

Self Report? NO Classification: Moderate

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

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

Date: 07/07/2009 (703616) CN602582231

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 11 OP
FOP, Special Condition 1A OP
NSR, Special Condition 8A PERMIT

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 11 OP
FOP, Special Condition 1A OP
NSR, Special Condition 9E PERMIT

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

Self Report? NO Classification: Moderate

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

Description: Failed to create final reports for recordable emissions events when the flare did not meet the minimum heating value of 200 Btu/scf during the unloading of ACAN.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 1A OP

Description: Failure to properly indicate the flare's observation time.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 1A OP

Description: Failure to inspect for leaks during loading activities.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to have a written Start-Up, Shut-down and Malfunction Plan (SSMP).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to tag components in light liquid service requiring fugitive monitoring.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
FOP, Special Terms and Conditions 1A PERMIT

Description: Failed to conduct fugitive monitoring on components in light liquid service.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(g)(1)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1433(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(e)(5)
5C THSC Chapter 382 382.085(b)
NSR, Special Condition 2 PERMIT

Description: Failed to provide notification of a Group 1 wastewater shipment to the transferee.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)
5C THSC Chapter 382 382.085(b)

Description: Failure to list the applicable federal rules in the Applicable Requirement Summary.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 11 OP

Description: Failure to operate within the permitted annual emission rates for the Product Storage Tanks (TR-11, 12, 13, 14, and 15).

Self Report? NO Classification: Moderate

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

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

Date: 08/31/2009 (703622) CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.532(b)(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
FOP O-01908-SC (15) OP
SC 1A OP
Special Condition (SC) 8E PERMIT

Description: Failure to seal open-ended lines containing volatile organic compounds VOCs.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Condition SC 1A OP

Description: Failure to maintain required documentation to demonstrate compliance with requirements for unloading. (CATEGORY B3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with permitted loading and unloading requirements.(CATEGORY B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)
FOP O-01908 Special Condition SC 1A OP
Description: Failure to analyze all samples from the cooling tower.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
Description: Failure to report all deviations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01908 Special Condition 1A OP
Description: Failure to record daily flare observation. (CATEGORY B1 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
FOP O-01908 Special Conditions 1A OP
Description: Failure to identify Lokring fittings in the light liquid service. (CATEGORY B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-01908 Special Condition 2F OP
Description: Failure to create records within the two weeks of the event. (CATEGORY B3 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(10)
FOP O-01908 Special Condition 15 OP
Special Condition (SC) 7I PERMIT
Special Condition 1A OP
Special Condition 8I PERMIT
Description: Failure to tag leaking components. (CATEGORY C4)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 4C PERMIT
SC1A OP
Description: failure to operate the flareTF-09C without smoke

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 5B(i) OP
Description: failure to properly conduct loading operations

Date: 09/11/2009 (765313) CN602582231

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)
5C THSC Chapter 382 382.085(b)
Description: Failure to list the applicable federal rules in the Applicable Requirement Summary.

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

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

Date: 01/15/2010 (767408) CN602582231

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 6 PERMIT

Description: Failure to maintain scrubbing solution flow rate at the permitted level

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GC 1 PERMIT
SC 15 OP

Description: Failure to comply with permit representation and failure to maintain storage tank emissions below the MAERT limits.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 9 PERMIT

Description: Failure to monitor 176 connectors in VOC/HAP service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 115, SubChapter H 115.781(b)(7)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 8 PERMIT

Description: Failure to monitor valves, flanges and plugs in VOC/HRVOC service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to document that the startup, shutdown, and malfunction (SSM) plan was followed during SSM activities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)
5C THSC Chapter 382 382.085(b)

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 4A PERMIT

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 4C PERMIT

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 8E PERMIT

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GC 1 PERMIT
SC 15 OP

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

Self Report? NO Classification: Minor

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

Description: Failure to document visual inspections on the pumps.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 4B PERMIT

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

Self Report? NO Classification: Minor

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

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

Date: 01/28/2010 (767637) CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions PERMIT
SC 9F PERMIT
SC 9G PERMIT
ST&C 11 PERMIT
ST&C 1A PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(10)
30 TAC Chapter 115, SubChapter H 115.781(b)(10)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
9K PERMIT
GT&C PERMIT
ST&C 11 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)(1)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT
SC9K PERMIT
ST&C 11 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT
ST&C 1A PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT
SC 8 PERMIT
ST&C 1A PERMIT

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT
SC 9E PERMIT
SC9K PERMIT
ST&C 11 PERMIT

Description: Failure to cap and plug all open-ended lines (CATEGORY C10 violation).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
5C THSC Chapter 382 382.085(b)

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

Date: 11/30/2010 (858345) CN602582231

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-01891 Special Term & Condition 11 OP
FOP O-01891 Special Term & Condition 1A OP
NSR Permit 28315 Special Condition 9E PERMIT

Description: Failure to prevent eight open ended lines. [CATEGOGY C10 Violation]

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01891 Special Term & Condition 11 OP
FOP O-01891 Special Term & Condition 1A OP
NSR Permit 28315 Special Condition 9G PERMIT

Description: Failure to monitor one pump. [CATEGORY B19g1 Violation]

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
5C THSC Chapter 382 382.085(b)
FOP O-01891 Special Term & Condition 11 OP
NSR Permit 28315 Special Condition 2 OP

Description: Failure to document that Startup, Shutdown, and Maintenance Procedures were followed during SSM activites.
[CATEGORY B3 Violation]

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(a)
5C THSC Chapter 382 382.085(b)
FOP O-01891 Special Term & Condition 11 OP
FOP O-01891 Special Term & Condition 1A OP
NSR Permit 28315 Special Condition 8B PERMIT

Description: Failure to monitor flare pilot with thermocouple or infrared monitor. [CATEGORY B18 Violation]

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)
FOP O-01891 Special Term & Condition 11 OP
NSR Permit 28315 Special Condition 13 PERMIT

Description: Failure to calibrate Air Rotameter from January 12, 2007 through March 31, 2010. [CATEGORY B18 Violation]

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP O-01891 General Terms & Conditions OP

Description: Failure to report all instances of deviations in the deviation reports. [CATEGORY B3 Violation]

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
5C THSC Chapter 382 382.085(b)
FOP O-01891 OP
FOP O-01891 Special Term & Condition 1A OP
NSR Permit 28315 Special Condition 9F PERMIT

Description: Failure to monitor three valves. [CATEGORY B19g1 Violation]

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)

5C THSC Chapter 382 382.085(b)
FOP O-01891 Special Term & Condition 11 OP
FOP O-01891 Special Term & Condition 1A OP
NSR Permit 28315 Special Condition 9H PERMIT

Description: Failure to monitor 11 connectors. [CATEGORY B19g1 Violation]

Date: 12/28/2010 (858350) CN602582231

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 68, SubChapter C, PT 68, SubPT E 68.95(a)(1)(ii)
5C THSC Chapter 382 382.085(b)
FOP SC 22 OP

Description: Failure to properly document first-aid and emergency medical treatment necessary to treat accidental human exposures in Emergency Response Plan (ERP). (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THSC Chapter 382 382.085(b)
FOP General Terms and Conditions OP

Description: Failure to maintain five years of loading/unloading records. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP SC 15 & SC 1(A) OP
NSR SC 8(G) PERMIT

Description: Failure to correctly classify components in the VOC service. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
FOP SC 15 & SC 1(A) OP
NSR SC 4(B) PERMIT.

Description: Failure to continuously monitor THF flare. (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
5C THSC Chapter 382 382.085(b)
FOP SC 1(A) OP

Description: Failure to document start-up, shut-down and maintenance (SSM) activities. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
30 TAC Chapter 115, SubChapter C 115.214(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP SC 1(A) OP

Description: Failure to properly document leak inspection repair pertaining to two VOC transfer loading events. (Category C3)

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)
FOP SC 15 OP
NSR SC 13(A) PERMIT

Description: Failure to perform semi-annual air rotameter calibration. (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP SC 15 OP
NSR SC 1 PERMIT

Description: Failure to accurately include maximum allowable emission rate (MAER) of a tank in the MAER table. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.217(a)(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit Title V revision for changes made. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP SC 15 OP
NSR GC 1 PERMIT

Description: Failure to include an accurate number of fugitive components in the new source review (NSR) permit application. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263(e)(7)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP SC 15 OP

Description: Failure to have documentation demonstrating authorization for emissions from abrasive blasting glove station. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to have documentation demonstrating authorization for emissions from Ethylene Glycol Tank. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP SC 15 OP

Description: Failure to document filter changes emissions. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP SC 15 OP
NSR GC 1 PERMIT

Description: Failure to accurately represent short term loading rate in NSR permit. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP SC 15 & SC 1(A) OP
NSR SC 8(E) PERMIT

Description: Failure to cap open ended lines. (Category C1)

Date: 11/30/2011 (952408) CN602582231

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 7E PERMIT
ST&C 11 OP
ST&C 1A OP

Description: Failure to cap open ended lines. (Category C10 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain documentation of repairs to leaking components after AVO inspection. (Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to accurately represent annual throughput in permit application. (Category B19g1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to accurately represent maximum tank fill rate in permit application. (Category B19g1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
Special Condition 7E PERMIT
Special Condition 7F PERMIT
ST&C 11 OP
ST&C 1A OP

Description: Failure to monitor LDAR components during compliance period. (Category B19g1 violation)

Self Report? NO Classification: Minor

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

Description: Failure to report all deviations in a deviation report. (Category C3 violation)

Date: 02/16/2012 (952410) CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
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)
Special Conditions 8F PA
ST&C 1A and 15 OP

Description: Failure to monitor valves in HRVOC/VOC/HAP's service. Category C7 violation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
SC 8E PA
ST&C 1A and 15 OP

Description: Failure to cap/plug open-ended lines in Highly Reactive Volatile Organic Compound (HRVOC), Hazardous Air Pollutant (HAP's) and Volatile Organic Compound (VOC) service. Category C10 violation.

Self Report? NO Classification: Minor

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

Description: Failure to inspect for audio, visual and olfactory (AVO) during loading operations. Category C3 violation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
SC 4A PA
ST&C 1A,15 OP

Description: Failure to maintain flare required hourly average at 300Btu/Scf. Category B18 violation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 6 PA
ST&C 15 OP

Description: Failure to maintain permitted scrubber flow rate. Category B18 violation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
5C THSC Chapter 382 382.085(b)
SC 3 PA
ST&C 1A, 15 OP

Description: Failure to maintain a Startup Shutdown and Malfunction Plan records. Category C3 violation.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
SC 9 PA
ST&C 1A and 15 OP

Description: Failure to monitor connectors HRVOC/VOC/HAP's service. Category B19.g(9) violation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to discontinue loading operation when visible leak was confirmed. Category B18 violation.

Self Report? NO Classification: Moderate

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

Description: Failure to comply with process safety management (PSM) and risk management plan (RMP) requirements. Category C3 violation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to demonstrate ethylene glycol tank construction and emissions authorization. Category B4 violation.

F. Environmental audits.

Notice of Intent Date: 06/28/2007 (571550)
No DOV Associated

Notice of Intent Date: 01/12/2010 (795010)
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	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
INVISTA S.A R.L	**§**	
RN104244942	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2012-0684-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, 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 together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 12455 Strang Road in La Porte, Harris County, Texas (the "Plant").

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

3. The Executive Director 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 21, 2012.

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 Eight Thousand Three Hundred Four Dollars ($8,304) is assessed by the Commission in settlement of the violations alleged in Section, II ("Allegations"). The Respondent has paid Three Thousand Three Hundred Twenty-Two Dollars ($3,322) of the administrative penalty and One Thousand Six Hundred Sixty

Dollars ($1,660) 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. Three Thousand Three Hundred Twenty-Two Dollars ($3,322) 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 agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. On April 1, 2010, implemented a spreadsheet based system to track tank levels every hour, equate the amount of material filled in the tank per hour and check the filled amount to the maximum fill rate, represented in the permit application, to identify any potential exceedance. The spreadsheet is also used to identify any deviations that would need to be reported;

   b. On July 27, 2010, submitted corrected representations for the butanol loading rate for Tank Facility Identification. No. ("FIN")/ Emission Point No. ("EPN") TF-26L;

   c. On December 10, 2010, submitted corrected representations for the maximum fill rates for Tank FINs TF-11T, TF-25T, and TF-53T;

   d. By May 2, 2011, completed a comprehensive review of the Leak Detection and Repair ("LDAR") program at the Plant, discovered 549 connectors and 76 valves that had not been monitored, added the missed components to the LDAR program, and reported the components in the deviation report dated May 2, 2011; and

   e. On June 6, 2012, obtained the amendment to New Source Review Permit No. 2925 that included the corrected representations for the butanol loading rate and the maximum fill rates for the Tanks.

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

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

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

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have

1. Failed to comply with representations in the permit application for New Source Review Permit No. 2925, in violation of 30 TEX. ADMIN. CODE §§ 116.116(a)(1) and 122.143(4), Federal Operating Permit ("FOP") No. O-01908 Special Terms and Conditions No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 27 through 29, 2011. Specifically, the Respondent exceeded the represented fill rate for Tank FINs TF-11T, TF-25T, and TF-53T and the butanol loading rate for FIN TF30-T.

2. Failed to report all deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O-01908 Special Terms and Conditions No. 15, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on September 27 through 29, 2011. Specifically, the Respondent failed to report the exceedances of the fill rate for Tank FINs TF-11T, TF-25T, and TF-53T and/or butanol loading rate for FIN TF-30T/EPN TF-26L in April 1, 2009 through September 30, 2009, October 1, 2009 through March 31, 2010 reporting periods. The Respondent also failed to report the failure to monitor 549 connectors and 76 valves in the April 1, 2007 through March 31, 2008, April 1, 2008 through March 31, 2009, and April 1, 2009 through September 30, 2009 reporting periods.

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 6above. 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. 2012-0684-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, Three Thousand Three Hundred Twenty-Two Dollars ($3,322) 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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

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

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

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

7. This Agreed Order may be executed in 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 10/23/12
For the Executive Director Date

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

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

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

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

_____ 7-19-12
Signature Date

Gary C. Huffman 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: 2012-0684-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**INVISTA S.a r.l**
Penalty Amount:	**Six Thousand Six Hundred Forty-Four Dollars ($6,644)**
SEP Offset amount:	**Three Thousand Three Hundred Twenty-Two Dollars ($3,322)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Harris County – *Ambient Air Pollutants Monitoring Study***
Location of SEP:	**Harris County**

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

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by Harris County for the *Ambient and Meteorological Air Monitoring Project* as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to install or retrofit, operate, maintain, and potentially expand air monitoring stations in Harris County to continuously monitor ambient air for total non-methane hydrocarbons and hazardous air pollutants ("HAPs"). Specifically, SEP funds will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

b. Environmental Benefit

The project will provide additional air monitoring data to identify any HAPs emissions in the targeted locations. The information may help local government better inform citizens about air toxins and enable regulators to better identify emission sources.

c. Minimum Expenditure

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

2. Performance Schedule

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

Harris County
c/o Latrice Babin, Ph.D.
Environmental Toxins & Special Project Manager
101 South Richey, Suite H
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. 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 Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Offset amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.