

Executive Summary – Enforcement Matter – Case No. 42412

INVISTA S.a r.l.

RN104392626

Docket No. 2011-1547-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Invista Sarl Sabine River Site, 3055A Farm-to-Market Road 1006, Orange County

Type of Operation:

Chemical manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 3, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$36,100

Amount Deferred for Expedited Settlement: \$7,220

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,440

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$14,440

Name of SEP: City of Orange Municipal Building Energy Efficiency Project

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$7,650

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 42412

INVISTA S.a r.l.

RN104392626

Docket No. 2011-1547-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 20, June 4, August 1, and August 17, 2011

Date(s) of NOE(s): August 9, 12, and 24, 2011

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released the following unauthorized emissions from the Adiponitrile Process Unit during an avoidable emissions event (Incident No. 151694) that began on March 8, 2011 and lasted six hours: 614.05 pounds (“lbs”) of pentenenitrile, 154.34 lbs of 1-3 butadiene, 110.97 lbs of nitrogen oxide, 73.53 lbs of butenes, 11.7 lbs of carbon monoxide, 5.85 lbs of nitrogen dioxide, 2.21 lbs of hydrogen cyanide, 1.34 lbs of cyclohexane, 1.08 lbs of 2-methylglutaronitrile, and 0.83 lb of other volatile organic compounds. The emissions event occurred when a seal on the circulation pump failed due to seal flush system components not being able to maintain adequate operating pressure and flow. Since this emissions event could have been avoided through better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [Federal Operating Permit (“FOP”) No. O1897, Special Terms and Conditions No. 21, New Source Review Permit (“NSRP”) Nos. 1302 and PSD-TX-1085, 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)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released the following unauthorized emissions from the Adipic Acid Process Unit during an avoidable emissions event (Incident No. 152089) that began on March 16, 2011 and lasted one hour and 47 minutes: 13,042.30 lbs of nitrous oxide, 41.72 lbs of carbon monoxide, 19.13 lbs of nitrogen dioxide, and 11.01 lbs of nitrogen oxide. The emissions event occurred when vent gas had to be routed to the atmosphere due to back pressure and high levels in the absorber. Since this emissions event could have been avoided through better operation practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [FOP No. O1897, Special Terms and Conditions No. 21, NSRP No. 1790, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to submit an annual compliance certification (“ACC”) within 30 days after the end of the certification period. Specifically, the ACC for the period of April 21, 2010 to February 28, 2011 was due by March 30, 2011, however, it was not submitted until August 3, 2011. In addition, the ACC for the period of March 18, 2010 to May 15, 2010 was due by June 14, 2010, however, it was not submitted until June 15, 2011 [FOP No. O1897, General Terms and Conditions, FOP No. O1898, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On May 25, 2011, components of the seal flush system were reviewed and replaced with more appropriately sized components and personnel completed refresher training on seal operation, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 151694;
- b. On September 22, 2011, personnel completed training and a review of applicable start-up procedures for the Adipic Acid Process Unit, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 152089; and
- c. On September 22, 2011, developed an annual compliance certification reporting manual and checklist to ensure that annual compliance certifications are submitted as required.

Technical Requirements:

The Order will require the 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: Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Raul Trochez, Site Manager, INVISTA S.a r.l., P.O. Box 1003, Orange, Texas 77631
Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-1547-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: INVISTA S.a r.l.

Penalty Amount: Twenty-Eight Thousand Eight Hundred Eighty Dollars (\$28,880)

SEP Offset Amount: Fourteen Thousand Four Hundred Forty Dollars (\$14,440)

Type of SEP: Pre-approved

Third-Party Recipient: *City of Orange Municipal Building Energy Efficiency Project*

Location of SEP: Orange County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be used by the **City of Orange Municipal Building Energy Efficiency Project** as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will be used to perform energy efficiency upgrades on public buildings and infrastructure. The SEP Offset Amount may only be used for: (1) the cost of conducting energy efficiency audits; (2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); (3) the incremental cost of purchase of equipment or appliances that are more energy-efficient (versus the cost of purchasing non-energy efficient equipment or appliances); or (4) other direct costs authorized in advance by TCEQ. The SEP Offset Amount may only be used for the direct cost of performing this project and no portion will be spent on administrative costs. For items 2, 3, and 4 above, Performing Party shall submit a budget and proposals for expenditure to TCEQ for written approval prior to the use of SEP Funds.

Modifications may include but are not limited to weatherization; energy-reduction modifications such as building envelope upgrades (cool roofs, exterior shading, optimized insulation and air sealing); installation of high-efficiency lighting fixtures and

occupancy sensors for both lighting and HVAC; high-efficiency demand-controlled ventilation and energy-efficient boilers; more efficient exterior lighting and energy-efficient office equipment; replacing heating, ventilation, and cooling (HVAC) systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and boosting productivity through increased use of daylighting; installation of LED traffic lights; and use of renewable energy sources. Performing Party shall quantify the environmental benefit of each project and submit the results of those calculations to TCEQ within 90 days of completion of each project.

The Respondent certifies that it has 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

Implementation of the SEP will provide a discernable environmental benefit by reducing fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

City of Orange, Texas
c/o John Johnson, Carl R. Griffith and Associates
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642-8077

3. Records and Reporting

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

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 Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Office of Legal Services
Attention: SEP Coordinator, MC 175
P.O. Box 13088
Austin, Texas 78711-3088

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	15-Aug-2011	Screening	26-Aug-2011	EPA Due	5-May-2012
	PCW	23-Nov-2011				

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

CASE INFORMATION			
Enf./Case ID No.	42412	No. of Violations	3
Docket No.	2011-1547-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** **\$12,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **263.0%** Enhancement **Subtotals 2, 3, & 7** **\$32,875**

Notes: Enhancement for 24 NOVs with same/similar violations, six orders with denial of liability, and one order without 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** **\$1,625**

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

Total EB Amounts: \$64
 Approx. Cost of Compliance: \$3,250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$43,750**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$43,750**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$36,100**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$7,220**

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 **\$28,880**

Screening Date 26-Aug-2011

Docket No. 2011-1547-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 42412

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104392626

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 (<i>number of NOVs meeting criteria</i>)	24	120%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 263%

>> 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 24 NOVs with same/similar violations, six orders with denial of liability, and one order without denial of liability. Reduction for two notices of intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 263%

Screening Date 26-Aug-2011

Docket No. 2011-1547-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 42412

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Federal Operating Permit ("FOP") No. O1897, Special Terms and Conditions No. 21, New Source Review Permit ("NSRP") Nos. 1302 and PSD-TX-1085, 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 the following unauthorized emissions from the Adiponitrile Process Unit during an avoidable emissions event (Incident No. 151694) that began on March 8, 2011 and lasted six hours: 614.05 pounds ("lbs") of pentenenitrile, 154.34 lbs of 1-3 butadiene, 110.97 lbs of nitrogen oxide, 73.53 lbs of butenes, 11.7 lbs of carbon monoxide, 5.85 lbs of nitrogen dioxide, 2.21 lbs of hydrogen cyanide, 1.34 lbs of cyclohexane, 1.08 lbs of 2-methylglutaronitrile, and 0.83 lb of other volatile organic compounds. The emissions event occurred when a seal on the circulation pump failed due to seal flush system components not being able to maintain adequate operating pressure and flow. Since this emissions event could have been avoided through better operation practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 25%
	Release	Major	Moderate	
	Actual			X
	Potential			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500 \$2,500

Violation Events

Number of Violation Events 1 1 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

25.0% Reduction \$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent completed corrective actions on May 25, 2011, prior to the August 12, 2011 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35 Violation Final Penalty Total \$8,450

This violation Final Assessed Penalty (adjusted for limits) \$8,450

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.
Case ID No. 42412
Req. Ent. Reference No. RN104392626
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$2,000	8-Mar-2011	25-May-2011	0.21	\$1	\$28	\$30
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	8-Mar-2011	25-May-2011	0.21	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace components of the seal flush system and train personnel to ensure that the system maintains adequate pressure and flow. The date required is the date of the emissions event. The final date is the date corrective measures were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$35

Screening Date 26-Aug-2011

Docket No. 2011-1547-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 42412

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s)

FOP No. O1897, Special Terms and Conditions No. 21, NSRP No. 1790, Special Conditions No. 1, 30 Tex. Admin. Code §§ 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 the following unauthorized emissions from the Adipic Acid Process Unit during an avoidable emissions event (Incident No. 152089) that began on March 16, 2011 and lasted one hour and 47 minutes: 13,042.30 lbs of nitrous oxide, 41.72 lbs of carbon monoxide, 19.13 lbs of nitrogen dioxide, and 11.01 lbs of nitrogen oxide. The emissions event occurred when vent gas had to be routed to the atmosphere due to back pressure and high levels in the absorber. Since this emissions event could have been avoided through better operation practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$500

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

Notes

The Respondent completed corrective actions on September 22, 2011, after the August 12, 2011 NOE.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$17,650

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 42412
Req. Ent. Reference No. RN104392626
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	16-Mar-2011	22-Sep-2011	0.52	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to train personnel on related start-up procedures to ensure that back pressure does not develop and result in high levels in the absorber. The date required is the date of the emissions event. The final date is the date corrective measures were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$13
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Screening Date 26-Aug-2011

Docket No. 2011-1547-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 42412

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s) FOP No. O1897, General Terms and Conditions, FOP No. O1898, General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an annual compliance certification ("ACC") within 30 days after the end of the certification period. Specifically, an ACC for FOP No. O1897 for the period of April 21, 2010 to February 28, 2011 was due by March 30, 2011, however, it was not submitted until August 3, 2011. In addition, an ACC for FOP No. O1898 for the period of March 18, 2010 to May 15, 2010 was due by June 14, 2010, however, it was not submitted until June 15, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 415 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$5,000

Two single events are recommended for the two late certifications.

Good Faith Efforts to Comply

10.0% Reduction \$500

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

Notes The Respondent completed corrective actions on September 22, 2011, after the August 9 and 24, 2011 NOEs.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$17,650

This violation Final Assessed Penalty (adjusted for limits) \$17,650

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 42412
Req. Ent. Reference No. RN104392626
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$250	14-Jun-2010	22-Sep-2011	1.27	\$16	n/a	\$16

Notes for DELAYED costs

Estimated cost to develop an ACC manual and checklist to ensure that ACCs are submitted as required. The date required is the earliest date an ACC was due to be submitted. The final date is the date corrective measures were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$16

Compliance History

Customer/Respondent/Owner-Operator:	CN602582231 INVISTA S.a r.l.	Classification: AVERAGE	Rating: 4.95
Regulated Entity:	RN104392626 INVISTA SARL SABINE RIVER SITE	Classification: AVERAGE	Site Rating: 12.13
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50395
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000057752
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	87432
	AIR NEW SOURCE PERMITS	AFS NUM	4836100244
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OCA002B
	AIR NEW SOURCE PERMITS	REGISTRATION	92531
	AIR NEW SOURCE PERMITS	REGISTRATION	92383
	AIR NEW SOURCE PERMITS	REGISTRATION	92371
	AIR NEW SOURCE PERMITS	REGISTRATION	92530
	AIR NEW SOURCE PERMITS	REGISTRATION	92704
	AIR NEW SOURCE PERMITS	REGISTRATION	76385
	AIR NEW SOURCE PERMITS	REGISTRATION	76134
	AIR NEW SOURCE PERMITS	PERMIT	1387
	AIR NEW SOURCE PERMITS	REGISTRATION	75994
	AIR NEW SOURCE PERMITS	PERMIT	1302
	AIR NEW SOURCE PERMITS	REGISTRATION	33081
	AIR NEW SOURCE PERMITS	REGISTRATION	43815
	AIR NEW SOURCE PERMITS	REGISTRATION	40371
	AIR NEW SOURCE PERMITS	REGISTRATION	38853
	AIR NEW SOURCE PERMITS	REGISTRATION	38402
	AIR NEW SOURCE PERMITS	REGISTRATION	37818
	AIR NEW SOURCE PERMITS	REGISTRATION	52687
	AIR NEW SOURCE PERMITS	REGISTRATION	43041
	AIR NEW SOURCE PERMITS	REGISTRATION	45950
	AIR NEW SOURCE PERMITS	REGISTRATION	44499
	AIR NEW SOURCE PERMITS	REGISTRATION	44206
	AIR NEW SOURCE PERMITS	REGISTRATION	42060
	AIR NEW SOURCE PERMITS	REGISTRATION	43816
	AIR NEW SOURCE PERMITS	REGISTRATION	53853
	AIR NEW SOURCE PERMITS	REGISTRATION	56241
	AIR NEW SOURCE PERMITS	REGISTRATION	50464
	AIR NEW SOURCE PERMITS	REGISTRATION	36731
	AIR NEW SOURCE PERMITS	REGISTRATION	35863
	AIR NEW SOURCE PERMITS	REGISTRATION	51530
	AIR NEW SOURCE PERMITS	REGISTRATION	51405

AIR NEW SOURCE PERMITS	REGISTRATION	51509
AIR NEW SOURCE PERMITS	REGISTRATION	71720
AIR NEW SOURCE PERMITS	REGISTRATION	55029
AIR NEW SOURCE PERMITS	REGISTRATION	54974
AIR NEW SOURCE PERMITS	PERMIT	1303
AIR NEW SOURCE PERMITS	PERMIT	9468
AIR NEW SOURCE PERMITS	PERMIT	1790
AIR NEW SOURCE PERMITS	REGISTRATION	76879
AIR NEW SOURCE PERMITS	REGISTRATION	78657
AIR NEW SOURCE PERMITS	REGISTRATION	79303
AIR NEW SOURCE PERMITS	REGISTRATION	78882
AIR NEW SOURCE PERMITS	REGISTRATION	80152
AIR NEW SOURCE PERMITS	REGISTRATION	80427
AIR NEW SOURCE PERMITS	REGISTRATION	79898
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1085
AIR NEW SOURCE PERMITS	REGISTRATION	81904
AIR NEW SOURCE PERMITS	REGISTRATION	81967
AIR NEW SOURCE PERMITS	REGISTRATION	81976
AIR NEW SOURCE PERMITS	REGISTRATION	81949
AIR NEW SOURCE PERMITS	REGISTRATION	82408
AIR NEW SOURCE PERMITS	REGISTRATION	82405
AIR NEW SOURCE PERMITS	REGISTRATION	93975
AIR NEW SOURCE PERMITS	REGISTRATION	90910
AIR NEW SOURCE PERMITS	REGISTRATION	85930
AIR NEW SOURCE PERMITS	REGISTRATION	84832
AIR NEW SOURCE PERMITS	REGISTRATION	86674
AIR NEW SOURCE PERMITS	REGISTRATION	95876
AIR NEW SOURCE PERMITS	REGISTRATION	95871
AIR NEW SOURCE PERMITS	REGISTRATION	84153
AIR NEW SOURCE PERMITS	REGISTRATION	83014
AIR NEW SOURCE PERMITS	REGISTRATION	82438
AIR NEW SOURCE PERMITS	REGISTRATION	83021
AIR NEW SOURCE PERMITS	REGISTRATION	85494
AIR NEW SOURCE PERMITS	REGISTRATION	91455
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1897
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1898

AIR OPERATING PERMITS	ACCOUNT NUMBER	OCA002B
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	2075
UNDERGROUND INJECTION CONTROL	PERMIT	WDW054
UNDERGROUND INJECTION CONTROL	PERMIT	WDW055
UNDERGROUND INJECTION CONTROL	PERMIT	WDW191
UNDERGROUND INJECTION CONTROL	PERMIT	WDW282
STORMWATER	PERMIT	TXR05R439
POLLUTION PREVENTION PLANNING	ID NUMBER	P06863
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	OCA002B

Location: 3055A FM 1006, ORANGE COUNTY, TX, 77630

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 29, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 29, 2006 to August 29, 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: 04/26/2007

ADMINORDER 2006-1506-MLM-E

Classification: Major

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

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

Effective Date: 08/31/2007

ADMINORDER 2006-1740-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 1302, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limit of 24.0

pounds per hour ("lbs/hr") of VOCs.

Classification: Moderate

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

Rqmt Prov: O-01350 OP
O-01868 OP
O-01996 OP
O-02075 OP

Description: Failed to report all instances of deviations.

Classification: Moderate

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

Rqmt Prov: O-01350 OP

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

Classification: Moderate

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

Rqmt Prov: O-01350 OP

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

Classification: Minor

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

Rqmt Prov: O-01350 OP

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

Classification: Minor

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

Rqmt Prov: 1302 PERMIT
1303 PERMIT
1790 PERMIT
O-01868 OP
O-01897 OP
O-01996 OP

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

Classification: Moderate

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

Rqmt Prov: 1303 PERMIT
O-01996 OP

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

Classification: Moderate

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

Rqmt Prov: 1303 PERMIT
O-01996 OP

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

Classification: Moderate

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

Rqmt Prov: 1303 PERMIT
O-01996 OP

Description: Failed to document the performance of each NH3 audio, olfactory, and visual ("AVO")

inspection in the operator's log.

Classification: Moderate

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

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

Rqmt Prov: O-02075 OP

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

Classification: Moderate

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

Rqmt Prov: 1468 PERMIT
O-02075 OP

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

Classification: Moderate

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

Rqmt Prov: O-01868 OP

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

Classification: Moderate

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

Rqmt Prov: 1790 PERMIT
O-01868 OP

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

Classification: Minor

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

Rqmt Prov: O-01868 OP

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

Classification: Moderate

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

Rqmt Prov: O-01868 OP

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

Classification: Moderate

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

Rqmt Prov: O-01868 OP

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

Classification: Moderate

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

Rqmt Prov: O-01868 OP

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

Classification: Moderate

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

Rqmt Prov: O-01868 OP

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

Classification: Moderate

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

Rqmt Prov: O-01868 OP

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

submitted late.

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 1302 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 1303 PERMIT

O-01996 OP

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

Effective Date: 02/18/2008

ADMINORDER 2007-0800-AIR-E

Classification: Moderate

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

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

Effective Date: 04/14/2008

ADMINORDER 2007-1392-AIR-E

Classification: Moderate

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

Rqmt Prov: 1468, Special Condition 1 PERMIT

O-02075, General Terms and Conditions OP

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

Classification: Moderate

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

Rqmt Prov: 1302, Special Condition 1 PERMIT

O-01897, General Terms and Conditions OP

O-01897, Special Condition 20 OP

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

Effective Date: 03/23/2009

ADMINORDER 2008-1055-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter F 117.4045(c)

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, 0.1 pound of hazardous air pollutant ("HAP") benzene was released from the Alkaline Waste Tank, emission point number ("EPN") PH3, 370

pounds ("lbs") of the HAP benzene were released from the Organic Sump Receiver, EPN PA39, and 1.7 lbs of the HAP benzene were released from the Secondary Overhead Decanter, EPN PH3, during an emissions event that occurred on March 6, 2008 and lasted 17 hours and five minutes.

Effective Date: 04/20/2009

ADMINORDER 2008-1609-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(e)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(e)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.126(b)(2)(i)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.115(b)(2)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT G 65.142(d)(1)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT G 65.147(a)(4)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1302, Special Condition 2(3) PERMIT
1302, Special Condition 4B PERMIT
O-01897, Special Condition 12 OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

Description: Failed to maintain the minimum net heating value of 200 Btu/scf in the gas stream going to the ADN Operating Flare (Emission Point No. FH3). Specifically, on April 25, 2007, from approximately 08:00 to 17:00, the net heating value of the gas stream was estimated to be within the range of 166 to 193 Btu/scf, and on September 19, 2007, from 10:00 to 12:00, the net heating value was between 189 to 193 Btu/scf.

Effective Date: 06/18/2010

ADMINORDER 2009-0561-AIR-E

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)

Rqmt Prov: General Terms and Conditions OP
Special Condition 14 OP
Special Condition 1A OP
Special Condition 9E PERMIT

Description: Failed to maintain records of AVO inspections for ammonia leaks from the Fugitives EPN PE-FUG, in the HMD Production Unit on February 15, April 17, 19, 22 and 24, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1A OP

Description: Failed to properly control VOC vent gas streams from the Refining Ammonia Scrubber in the HMD Production Unit, so that destruction efficiency is 98%, or that VOC concentration is no more than 20 ppm. Specifically, INVISTA reported 120 instances between November 16, 2007 through May 15, 2008 when the CO concentration exceeded 100 ppm, which indicates a less than 98% destruction efficiency.

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)

Rqmt Prov: General Terms and Conditions OP
Special Condition 14 OP
Special Condition 3 PERMIT

Description: Failed to collect and analyze ammonia samples from the Low Pressure Absorber, EPN PE-21, in the HMD Production Unit at least once per 12-hour shift on April 14 and 27, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(iii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1A OP

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

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	10/06/2006	(512239)
2	12/28/2006	(514339)
3	04/21/2007	(535339)
4	02/05/2007	(537778)
5	02/23/2007	(538459)
6	05/14/2007	(538489)
7	06/23/2007	(539926)
8	04/27/2007	(541223)
9	02/23/2007	(541266)
10	03/12/2007	(541557)
11	03/12/2007	(541574)
12	03/12/2007	(541590)
13	04/25/2007	(555441)
14	04/25/2007	(555450)
15	04/25/2007	(555458)
16	04/25/2007	(555461)
17	06/12/2007	(557102)
18	05/14/2007	(557950)
19	05/14/2007	(557953)
20	05/14/2007	(557957)
21	12/04/2007	(561550)
22	08/30/2007	(562644)
23	08/13/2008	(563999)

24 07/25/2007 (565849)
25 08/30/2007 (566856)
26 09/14/2007 (567770)
27 08/30/2007 (568012)
28 08/22/2007 (570261)
29 08/30/2007 (571333)
30 08/09/2007 (571422)
31 08/16/2007 (571631)
32 09/10/2007 (572212)
33 10/12/2007 (574446)
34 10/15/2007 (574456)
35 11/05/2007 (593742)
36 09/17/2007 (594734)
37 01/07/2008 (596377)
38 01/22/2008 (609076)
39 12/17/2007 (609889)
40 01/15/2008 (610016)
41 04/17/2008 (615716)
42 03/19/2008 (619136)
43 03/25/2008 (637392)
44 03/25/2008 (637395)
45 03/25/2008 (637396)
46 04/14/2008 (639247)
47 04/29/2008 (640223)
48 04/29/2008 (640225)
49 04/29/2008 (640226)
50 05/07/2008 (640695)
51 05/16/2008 (642022)
52 06/11/2008 (646225)
53 04/29/2008 (646605)

54 04/29/2008 (646607)
55 04/29/2008 (646608)
56 04/29/2008 (646610)
57 05/23/2008 (680204)
58 08/21/2008 (685310)
59 08/25/2008 (685636)
60 08/12/2008 (685946)
61 07/17/2008 (686434)
62 09/06/2008 (687106)
63 09/06/2008 (687107)
64 08/12/2008 (687525)
65 08/25/2008 (687570)
66 11/20/2008 (700578)
67 11/19/2008 (701258)
68 01/15/2009 (702702)
69 11/17/2008 (705683)
70 11/17/2008 (705686)
71 11/17/2008 (705688)
72 11/17/2008 (706349)
73 03/18/2009 (725018)
74 03/18/2009 (725023)
75 02/03/2009 (725050)
76 02/23/2009 (725908)
77 02/17/2009 (726685)
78 02/17/2009 (726686)
79 04/08/2009 (735934)
80 03/24/2009 (737451)
81 04/20/2009 (738116)
82 03/30/2009 (740333)
83 05/04/2009 (742511)
84 05/04/2009 (742516)

85 05/04/2009 (742517)
86 05/04/2009 (742527)
87 05/14/2009 (742539)
88 05/28/2009 (742867)
89 04/20/2009 (743000)
90 05/28/2009 (744691)
91 06/24/2009 (744809)
92 06/23/2009 (747126)
93 06/17/2009 (747181)
94 07/08/2009 (749385)
95 07/08/2009 (759188)
96 07/08/2009 (759250)
97 08/24/2009 (760279)
98 07/29/2009 (761422)
99 08/31/2009 (761631)
100 08/26/2009 (763106)
101 09/10/2009 (763323)
102 09/10/2009 (763326)
103 08/25/2009 (764556)
104 08/26/2009 (765124)
105 09/24/2009 (766142)
106 10/07/2009 (768003)
107 11/09/2009 (776819)
108 11/09/2009 (778455)
109 12/23/2009 (782081)
110 12/23/2009 (782503)
111 11/30/2009 (783683)
112 12/23/2009 (784258)
113 12/23/2009 (784377)
114 12/23/2009 (784873)
115 12/23/2009 (785185)

116 01/27/2010 (785422)
117 02/22/2010 (789585)
118 03/15/2010 (789975)
119 03/21/2010 (793830)
120 04/22/2010 (793938)
121 04/21/2010 (794056)
122 05/21/2010 (799217)
123 06/17/2010 (801081)
124 07/15/2010 (801965)
125 06/10/2010 (803280)
126 06/10/2010 (803286)
127 06/10/2010 (803293)
128 06/10/2010 (803301)
129 07/08/2010 (803514)
130 07/08/2010 (803516)
131 07/08/2010 (803518)
132 07/08/2010 (803717)
133 07/08/2010 (803718)
134 05/25/2010 (803719)
135 06/22/2010 (803721)
136 07/08/2010 (803732)
137 06/22/2010 (803735)
138 06/25/2010 (826236)
139 06/25/2010 (826314)
140 07/08/2010 (827437)
141 07/08/2010 (827441)
142 07/08/2010 (827444)
143 07/08/2010 (827453)
144 08/12/2010 (841475)
145 08/18/2010 (842997)
146 10/14/2010 (850015)

147 11/03/2010 (865889)
148 12/22/2010 (871656)
149 11/05/2010 (871717)
150 11/16/2010 (876991)
151 12/28/2010 (884917)
152 01/11/2011 (885786)
153 02/25/2011 (895472)
154 05/16/2011 (905650)
155 06/10/2011 (906643)
156 04/15/2011 (907007)
157 05/25/2011 (907734)
158 04/06/2011 (908537)
159 04/20/2011 (908975)
160 04/20/2011 (908979)
161 04/20/2011 (909030)
162 04/20/2011 (909332)
163 06/06/2011 (912053)
164 06/06/2011 (912106)
165 06/10/2011 (913398)
166 06/24/2011 (914147)
167 05/25/2011 (914893)
168 07/11/2011 (915520)
169 08/12/2011 (915627)
170 07/21/2011 (915678)
171 06/23/2011 (920556)
172 07/21/2011 (921231)
173 08/12/2011 (921649)
174 06/06/2011 (923002)
175 07/21/2011 (932648)
176 07/01/2011 (933313)
177 07/01/2011 (933334)

178 07/01/2011 (933339)
 179 07/15/2011 (935035)
 180 07/15/2011 (935161)
 181 07/18/2011 (937017)
 182 08/09/2011 (944179)
 183 08/24/2011 (950057)

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

Date: 05/15/2007 (538489)

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

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

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

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

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

Description: Failure to conduct quarterly fugitive monitoring.

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

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

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

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

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

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

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

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)
O-01868 OP
O-01996 OP

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

Description: Failure to operate the absorber in accordance with the representations in the confidential material submitted with the permit application, PI 1 dated August 1, 1996 and the permit alteration request dated May 11, 1998.
Self Report? NO Classification: Minor
Citation: 1303 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01996 OP

Description: Failure to sample and analyze the NH3 concentration at least once every 12-hour shift when the absorbers were in operation.
Self Report? NO Classification: Minor
Citation: 1303 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01996 OP

Description: Failure to note the performance of each inspection in the operator's log.
Self Report? NO Classification: Minor
Citation: 1303 PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01996 OP

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug or second valve.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01996 OP

Description: Failure to make a first attempt at repairing a leak no later than five calendar days after a leak is found.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.144(3)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-01996 OP

Description: Failure to install a monitor to continuously monitor and record the temperature of the gas stream either in the combustion chamber or immediately down stream. The monitoring of CO to determine a 98% DRE is not an approved method.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(b)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Date: 06/13/2007 (557102)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02075, Special Condition 2F OP

Description: Failure to properly maintain records of an emissions event (Incident Number 88653).
Self Report? NO Classification: Moderate
Citation: 1302, Special Condition 1 PERMIT

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

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

Date: 08/31/2007 (562644)

Self Report? NO

Classification: Minor

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

5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 3(B)(iv)(3) OP

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

Self Report? NO

Classification: Moderate

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

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

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

Self Report? NO

Classification: Minor

Citation: 1302, Special Condition 5E PERMIT

30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006, to October 20, 2006, and October 21, 2006, to April 20, 2007.

Self Report? NO

Classification: Moderate

Citation: 1302, Special Condition 5E PERMIT

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

Description: Failure to conduct weekly audible, visual, or olfactory inspections of flanges as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)

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

Description: Failure to leak-check all new connectors within 30 days of being placed in VOC service as reported in the Deviation Reports for FOP O-01897 covering the

reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 19 OP
O-01897, Special Condition 1A OP

Description: Failure to conduct monthly visual inspection of the cold solvent degreaser (EPN FF900) as reported in the Deviation Report for FOP O-01897 covering the reporting period of April 20, 2006 to October 20, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.164(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

Description: Failure to estimate the uncontrolled annual emission total for the batch process vents in the ADN/Promoter Unit as reported in the Deviation Reports for FOP O-01897 covering the reporting periods of April 20, 2006 to October 20, 2006, and October 21, 2006 to April 20, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.166(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate
Citation: 1302, Special Condition 4C PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 12 OP
O-01897, Special Condition 15 OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

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

Self Report? NO Classification: Minor
Citation: 1302, Special Condition 4 PERMIT
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)(2)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

O-01897, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

Description: Failure to maintain the stack gas concentration of Carbon Monoxide (CO) below 100 parts per million by volume (ppmv) as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to March 17, 2007.

Self Report? NO Classification: Minor

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

Description: Failure to conduct monthly Method 9 observations of Stack 3 (EPN 11BLR-003) and Stack 4 (EPN 11BLR-004) as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP
O-01898, Special Condition 7 OP

Description: Failure to conduct daily calibrations on CO CEMS as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

Self Report? NO Classification: Moderate

Citation: 1387, Special Condition 8B PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(j)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP
O-01898, Special Condition 7 OP

Description: Failure to operate CO CEMS on a continuous basis as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

Self Report? NO Classification: Moderate

Citation: 1387, Special Condition 8B PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP
O-01898, Special Condition 7 OP

Description: Failure to maintain all documentation of calibration gases as reported in the Deviation Report for FOP O-01898 covering the reporting period of March 17, 2006, to September 17, 2006.

Self Report? NO Classification: Moderate

Citation: 1387, Special Condition 6 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP
O-01898, Special Condition 7 OP

Description: Failure to maintain the combustion chamber temperature for Boiler 7 (EPN B7) as reported in the Deviation Report for FOP O-01898 covering the reporting period of September 18, 2006, to March 17, 2007.

Self Report? NO Classification: Moderate

Citation: 1387, Special Condition 9C PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01898, General Terms and Conditions OP
O-01898, Special Condition 1A OP

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

O-01350, General Terms and Conditions OP
O-01350, Special Condition 1A OP
O-01350, Special Condition 3(A)(iv)(3) OP
Description: Failure to maintain flare operation logs as reported in the Deviation Report for FOP
O-01350 covering the reporting period of February 23, 2006 to August 22, 2006.

Date: 01/08/2008 (596377)
Self Report? NO Classification: Moderate
Citation: 1468, Special Condition 4 PERMIT
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 115, SubChapter B 115.122(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02075, General Terms and Conditions OP
O-02075, Special Condition 10 OP
O-02075, Special Condition 1A OP
Description: Failure to maintain the stack gas concentration of CO below 100 ppmv as reported in the Deviation Reports for FOP O-02075 covering the reporting periods of June 24, 2006, to December 23, 2006, and December 24, 2006, to June 23, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
O-2075, Special Condition 10 OP
Description: Failure to submit an annual compliance certification and a semi-annual deviation report within the established timeframes.

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02075, General Terms and Conditions OP
O-02705, Special Condition 1A OP
Description: Failure to conduct a monthly Test Method 9 reading for North ADN Boiler (EPN PP-40A) and South ADN Boiler (EPN PP-40B) as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006.

Self Report? NO Classification: Minor
Citation: 1468, Special Condition 7B PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02075, General Terms and Conditions OP
O-02075, Special Condition 10 OP
Description: Failure to complete a Cylinder Gas Audit (CGA) for North ADN Boiler (EPN

PP-40B) during the third quarter of 2006 as reported in the Deviation Report for FOP O-02075 covering the reporting period of June 24, 2006, to December 23, 2006.

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

Date: 04/17/2008 (640064)

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

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01868, General Terms and Conditions OP
O-01868, Special Condition 11 OP
O-01868, Special Condition 1A OP
O-01996, General Terms and Conditions OP
O-01996, Special Condition 14 OP
O-01996, Special Condition 1A OP
Permit 1303, Special Condition 7E PERMIT
Permit 1790, Special Condition 1E PERMIT
Description: Failure to conduct VOC Audio, Visual, and Olfactory (AVO) Inspections as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of August 6, 2006, through November 15, 2006, and from May 16, 2007, through November 15, 2007, and the Deviation Reports for FOP O-01868 covering the reporting periods of August 6, 2006, through February 5, 2007, and February 6, 2007, through August 5, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of August 6, 2006, through November 15, 2006; November 16, 2006, through May 15, 2007; and May 16, 2007, through November

15, 2007, and in the Deviation Reports for FOP O-01868 covering the reporting periods of August 6, 2006, through February 5, 2007, and February 6, 2007, through August 5, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01350, General Terms and Conditions OP
O-01350, Special Condition 7 OP
O-01868, General Terms and Conditions OP
O-01868, Special Condition 12 OP
O-01996, General Terms and Conditions OP
O-01996, Special Condition 15 OP
Description: Failure to maintain a copy of a Permit By Rule (PBR) as reported in the Deviation Reports for FOP O-01996 covering the reporting period of August 6, 2006, through November 15, 2006; FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007; and FOP O-01350 covering the reporting period of August 23, 2006, to February 5, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)
30 TAC Chapter 115, SubChapter E 115.412(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 15 OP
O-01996, Special Condition 1A OP
Description: Failure to permanently attach a label to the solvent degreaser (EPN PE-65) as reported in the Deviation Reports for FOP O-01996 covering the reporting period of August 6, 2006, through November 15, 2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
Description: Failure to report deviations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 3B(iii)(1) OP
Description: Failure to perform quarterly visible emission observations as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 14 OP
O-01996, Special Condition 1A OP
Permit 1303, Special Condition 7K PERMIT
Description: Failure to document repairs on components in heavy liquid service as reported in the Deviation Reports for FOP O-01996 covering the reporting periods of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 14 OP
Permit 1303, Special 9E PERMIT

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Description: Failure to maintain a sign and dated statement verifying the closed-vent system and control device is designed to operate at the documented performance level when the waste management unit is vented to the control device as reported in the Deviation Reports for FOP O-01996 covering the reporting period of November 16, 2006, through May 15, 2007, and May 16, 2007, through November 15, 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(iii)
5C THSC Chapter 382 382.085(b)
O-01996, General Terms and Conditions OP
O-01996, Special Condition 1A OP

Description: Failure to destroy Benzene in the waste stream by incineration as reported in the Deviation Reports for FOP O-01996 covering the reporting period of November

16, 2006, through May 15, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01868, General Terms and Conditions OP
O-01868, Special Condition 10 OP

Description: Failure to conduct formal monthly inspections of equipment as reported in the Deviation Reports for FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007, and February 6, 2007, through August 5, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 117, SubChapter F 117.4040(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
O-01868, General Terms and Conditions OP
O-01868, Special Condition 1A OP
O-01868, Special Condition 1F OP

Description: Failure to calibrate the Nitrogen Oxide Analyzer prior to startup as reported in the Deviation Reports for FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
O-01868, General Terms and Conditions OP

Description: Failure to submit a deviation report in a timely manner.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01868, General Terms and Conditions OP
O-01868, Special Condition 1A OP
O-01868, Special Condition 3A(iv)(1) OP
O-01868, Special Condition 3B(iv)(1) OP

Description: Failure to conduct Method 9 observations as reported in the Deviation Reports for FOP O-01868 covering the reporting period of August 6, 2006, through February 5, 2007.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01350, General Terms and Conditions OP
O-01350, Special Condition 1A OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter F 117.4140(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)
5C THSC Chapter 382 382.085(b)
O-01350, General Terms and Conditions OP
O-01350, Special Condition 1A OP
O-01350, Special Condition 4E OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01350, General Terms and Conditions OP
O-01350, Special Condition 3A(iv)(4) OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Date: 08/21/2008 (685310)

Self Report? NO Classification: Minor

Citation: 1302, Special Condition 5E PERMIT

30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

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

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

Self Report? NO Classification: Moderate
Citation:

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

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

Self Report? NO Classification: Moderate
Citation:

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

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

Self Report? NO Classification: Minor
Citation:

1302, Special Condition 4 PERMIT
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)(2)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(b)(1)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

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

Self Report? NO Classification: Minor
Citation:

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

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

2007, to October 20, 2007, and October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: 5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
Failure to report a deviation.

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

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

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

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

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

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

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

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

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

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

Self Report? NO Classification: Moderate
Citation: 1302, Special Condition 4C PERMIT
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.105(a)
5C THSC Chapter 382 382.085(b)
O-01897, General Terms and Conditions OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

Description: Failure to make a first attempt of repair on the waste mix tank agitator within five

days as reported in the Deviation Report for FOP O-01897 covering the reporting period of October 21, 2007, to April 20, 2008.

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Date: 11/20/2008 (700578)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Description: Failure to report all deviations in a semi-annual deviation report.

Self Report? NO Classification: Minor

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

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

Date: 04/08/2009 (735934)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 10 OP
Special Condition 14 OP

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

Self Report? NO

Classification: Minor

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

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

Self Report? NO

Classification: Minor

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

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

Self Report? NO

Classification: Minor

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

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

Self Report? NO

Classification: Moderate

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

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

Date: 04/20/2009 (738116)

Self Report? NO

Classification: Minor

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

Description: Failure to conduct quarterly opacity observations as reported in the deviation

report for FOP O-01350 covering the reporting period of August 6, 2007, through February 5, 2008.

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

Description: Failure to conduct monthly opacity observations as reported in the deviation reports for FOP O-01350 covering the reporting periods of August 6, 2007, through February 5, 2008, and February 6, 2008, through August 5, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter F 117.4140(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1C OP

Description: Failure to submit the Continuous Emissions Monitoring System (CEMS) Relative Accuracy Test Audit (RATA) in a timely manner as reported in the deviation report for FOP O-01350 covering the reporting period of August 6, 2007, through February 5, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(4)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 9 OP

Description: Failure to submit four Application Compliance Plan and Schedule (ACPS) semi-annual progress reports required by FOP O-01350 as reported in the deviation reports for FOP O-01350 covering the reporting periods of August 6, 2007, through February 5, 2008, and February 6, 2008, through August 5, 2008.

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

Description: Failure to report a deviation as reported in the deviation report for FOP O-01350 covering the reporting period of August 6, 2007, through February 5, 2008.

Date: 05/15/2009 (742539)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(4)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 14 OP

Description: Failure to submit a compliance schedule in a timely manner as reported in the deviation reports for FOP O-02075 covering the reporting periods of June 24, 2007, to December 23, 2007, and December 24, 2007, through June 23, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 10 OP
Special Condition 1A OP
Special Condition 9 PERMIT

Description: Failure to conduct daily calibrations for North and South ADN Boiler (EPNs PP-40B and PP-40A) as reported in the deviation reports for FOP O-02075 covering the reporting periods of June 24, 2007, to December 23, 2007, and December 24, 2007, through June 23, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 115, SubChapter B 115.122(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 10 OP
 Special Condition 1A OP
 Special Condition 5 PERMIT

Description: Failure to maintain the stack gas concentration of CO below 100 ppmv as reported in the deviation reports for FOP O-02075 covering the reporting periods of June 24, 2007, to December 23, 2007; December 24, 2007, to June 23, 2008; and June 23, 2008, to September 10, 2008.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 10 OP
 Special Condition 9B PERMIT

Description: Failure to conduct an annual Relative Accuracy Test Audit (RATA) as reported in the deviation report for FOP O-02075 covering the reporting period of June 24, 2007, to December 23, 2007.

Self Report? NO **Classification:** Minor

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

Description: Failure to conduct a Method 9 observation for the month of July 2007 as reported in the deviation report for FOP O-02075 covering the reporting period of June 24, 2007, to December 23, 2007.

Self Report? NO **Classification:** Minor

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

Description: Failure to use the conversion procedures required in 40 CFR 60 as reported in the deviation report for FOP O-02075 covering the reporting period of June 24, 2007, to December 23, 2007.

Self Report? NO **Classification:** Minor

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

Description: Failure to report a deviation in a timely manner as reported in the deviation report for FOP O-02075 covering the reporting period of June 24, 2007, to December 23, 2007.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44(a)(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP
 Special Condition 2 PERMIT

Description: Failure to maintain the Nitrogen Oxide emission limit as reported in the deviation report for FOP O-02075 covering the reporting period of June 24, 2008, to September 10, 2008.

Self Report? NO **Classification:** Minor

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

Description: Failure to conduct a visible emission observation for the month of August 2008 while the boiler was in natural gas mode as reported in the deviation report for FOP O-02075 covering the reporting period of June 24, 2008, to September 10, 2008.

Date: 05/29/2009 (742867)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

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

Description: Failure to conduct Method 9 observations as reported in the deviation reports for FOP O-01868 covering the reporting period of August 6, 2007, through February 5, 2008, and February 6, 2008, through August 5, 2008.

Self Report? NO Classification: Minor
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)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 5A OP

Description: Failure to maintain land-based Volatile Organic Compounds (VOC) transfer records as reported in the deviation reports for FOP O-01868 covering the reporting periods of August 6, 2007, through February 5, 2008, and February 6, 2008, through August 5, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 10 OP

Description: Failure to conduct a formal monthly inspection of equipment as reported in the deviation report for FOP O-01868 covering the reporting period of August 6, 2007, through February 5, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 11 OP
Special Condition 1A OP
Special Condition 1E PERMIT

Description: Failure to inspect fifteen weekly audio visual and olfactory (AVO) inspections as reported in the deviation report for FOP O-01868 covering the reporting period of August 6, 2007, through February 5, 2008.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter F 117.4045(b)

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

Description: Failure to submit an annual Relative Accuracy Test Audit (RATA) in a timely manner as reported in the deviation report for FOP O-01868 covering the reporting period of February 6, 2008, through August 5, 2008.

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)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 11 OP
Special Condition 1A OP
Special Condition 1E PERMIT

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the deviation report for FOP O-01868 covering the reporting period of February 6, 2008, through August 5, 2008.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter F 117.4040

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

Description: Failure to conduct a quarterly cylinder gas audit (CGA) as reported in the deviation report for FOP O-01868 covering the reporting period of February 6, 2008, through August 5, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report a deviation in a timely manner as reported in the deviation report for FOP O-01868 covering the reporting period of February 6, 2008, through August 5, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter F 117.4005
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to maintain the Nitrogen Oxide (NOx) emission limit as reported in the deviation report for FOP O-01868 covering the reporting period of February 6, 2008, through August 5, 2008.

Date: 06/24/2009 (744809)

Self Report? NO Classification: Minor

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

Description: Failure to maintain a signed and dated statement that the wastewater treatment system unit as reported in the deviation reports for FOP O-01898 covering the reporting periods of March 18, 2008, through September 17, 2008, and September 18, 2008, through March 17, 2009.

Self Report? NO Classification: Minor

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

Description: Failure to maintain a sign and dated statement verifying the closed-vent system and control device as reported in the deviation reports for FOP O-01898 covering the reporting periods of March 18, 2008, through September 17, 2008, and September 18, 2008, through March 17, 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)
General Terms and Conditions OP
Special Condition 3B PERMIT
Special Condition 7 OP

Description: Failure to maintain the Diamine feed rate as specified in Permit 1387 as reported in the deviation report for FOP O-01898 covering the reporting period of March 18, 2008, through September 17, 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)
General Terms and Conditions OP
Special Condition 3D PERMIT
Special Condition 7 OP

Description: Failure to maintain the non-volatile residue (NVR) feed rate as specified in Permit 1387 as reported in the deviation report for FOP O-01898 covering the reporting

period of March 18, 2008, through September 17, 2008.

Self Report? NO Classification: Moderate

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

Description: Failure to conduct daily calibrations on CO CEMS as reported in the deviation reports for FOP O-01898 covering the reporting periods of March 18, 2008, through September 17, 2008, and September 18, 2008, through March 17, 2009.

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 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(iii)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 7 OP
Special Condition 8B PERMIT

Description: Failure to conduct daily Resource Conservation Recovery Act (RCRA) Audio Visual Olfactory (AVO) inspections as reported in the deviation report for FOP O-01898 covering the reporting period of March 18, 2008, through September 17, 2008.

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)
General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 7 OP

Description: Failure to maintain the emission limits for particulate matter (PM) and ammonia (NH3) as reported in the deviation report for FOP O-01898 covering the reporting period of September 18, 2008, through March 17, 2009.

Self Report? NO Classification: Minor

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

Description: Failure to conduct an opacity reading of Boiler No. 5 as reported in the deviation report for FOP O-01898 covering the reporting period of September 18, 2008, through March 17, 2009.

Date: 08/24/2009 (760279)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 21 OP
Special Condition 3A PERMIT
Special Condition 8I OP

Description: Failure to maintain a signed and dated statement that the wastewater treatment system unit is designed to operate at the documented performance level when the waste stream entering the unit is at the highest waste stream flow rate and the pollutant benzene is expected to be present as reported in the deviation reports for FOP O-01897 covering the reporting periods of April 21, 2008, through October 20, 2008, and October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114
40 CFR Part 61, Subpart V 61.242-6
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 21 OP
Special Condition 5E PERMIT

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service as reported in the deviation reports for FOP O-01897 covering the reporting periods of April 21, 2008, through October 20, 2008, and October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.107(b)(4)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.119(c)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 21 OP
Special Condition 5E PERMIT

Description: Failure to conduct weekly audible, visual, or olfactory inspections of flanges as reported in the deviation reports for FOP O-01897 covering the reporting periods of April 21, 2008, through October 20, 2008, and October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)(2)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(b)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to maintain the required records documenting the Hazardous Organic NESHAPS (HON) Maximum Achievable Control Technology (MACT) Startup, Shutdown, and Maintenance Plan (SSMP) procedures were followed as reported in the deviation report for FOP O-01897 covering the reporting period of April 21, 2008, through October 20, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(b)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 21 OP
Special Condition 4E PERMIT

Description: Failure to maintain the required records documenting the Hydrogen Cyanide (HCN) MACT SSMP procedures were followed as reported in the deviation report for FOP O-01897 covering the reporting period of April 21, 2008, through October 20, 2008.

Self Report? NO Classification: Minor

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

Description: Failure to report a deviation in the semi-annual deviation report for the reporting

period of April 21, 2008, through October 20, 2008, as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 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 61.349(a)(1)(ii)(B)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 21 OP
Special Condition 3A PERMIT

Description: Failure to install and operate car-sealed valves on a bypass line as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.500
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.994(c)(1)(ii)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to install a flow meter capable of providing a continuous record as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.500
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.994(c)(1)(i)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to install a pH meter to continuously monitor the scrubber effluent as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.500
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.985(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to maintain the scrubber water flow rate as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.500
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(d)(3)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to maintain records for the MON MACT SSMP as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

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

Description: Failure to properly maintain loading inspection loading forms as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
 Special Condition 1A OP
 Description: Failure to annually inspect all tank-truck tanks for leaks as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to conduct a quarterly observation for the fourth quarter 2008 as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 10A OP
 Special Condition 1A OP
 Special Condition 21 OP
 Special Condition 3A PERMIT

Description: Failure to visually inspect drain openings on a quarterly basis as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)(ii)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP
 Special Condition 21 OP
 Special Condition 3A PERMIT
 Special Condition 8A OP

Description: Failure to operate a pump catch pan drain in accordance with 40 CFR 61, Subpart FF, as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP
 Special Condition 21 OP
 Special Condition 3A PERMIT

Description: Failure to collect three monthly samples for the hydrolysis column as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(c)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP
 Special Condition 21 OP
 Special Condition 3A PERMIT
 Special Condition 8M OP

Description: Failure to include benzene notification for waste shipments shipped off-site as reported in the deviation report for FOP O-01897 covering the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 21 OP
Special Condition 3A PERMIT
Special Condition 9C OP

Description: Failure to conduct a quarterly visual inspection for benzene NESHAP waste tank-trailer tank as reported in the deviation report for the reporting period of October 21, 2008, through April 20, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 21 OP
Special Condition 3A PERMIT
Special Condition 9D OP

Description: Failure to conduct a Method 21 monitoring for benzene NESHAP waste tank-trailer tank as reported in the deviation report for the reporting period of October 21, 2008, through April 20, 2009.

Date: 12/23/2009 (782081)

Self Report? NO Classification: Minor

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

Description: Failure to report the occurrence of a deviation. Minor C3 (3C)

Date: 02/22/2010 (789585)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(4)(C)(iv)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 14 OP

Description: Failure to submit the semiannual Application Compliance Plan and Schedule (ACPS) report in a timely manner.

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 F 63.104(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2490(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to conduct monthly monitoring on the Crude DBE tank (Unit ID PD-45) heat exchanger system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP

Description: Failure to conduct and document weekly Audio, Visual and Olfactory (AVO) inspections.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-6
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP
Special Condition 12 OP
Special Condition 16 PERMIT
Special Condition 1E PERMIT

Description: Failure to equip open-ended lines (OELs) with a second valve, a blind flange, or a tightly-fitting plug or cap.

Self Report? NO Classification: Minor

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

Description: Failure to report the occurrence of a deviation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(4)(C)(iv)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 9 OP

Description: Failure to submit the semiannual ACPS report for FOP O-01350 in a timely manner.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter F 117.4145(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1C OP

Description: Failure to submit the written notification for the third quarter 2008 Continuous Emissions Monitoring System (CEMS) Relative Accuracy Test Audit (RATA) in a timely manner.

Self Report? NO Classification: Minor

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

Description: Failure to report the occurrence of a deviation.

Date: 08/13/2010 (841475)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)
5C THSC Chapter 382 382.085(b)
General Condition 10 PERMIT
General Terms and Conditions OP
Special Condition 7 OP

Description: Failure to submit the initial semiannual Excessive Emissions and continuous monitoring system (CMS) Performance Report in a timely manner.

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)
General Terms and Conditions OP
Special Condition 3F PERMIT
Special Condition 7 OP

Description: Failure to prevent the LPDOG flow rate to Boilers 5 and 8 from exceeding the permitted limitations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(4)(C)(iv)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
Special Condition 10 OP
Description: Failure to submit the Benzene Corrective Action Plan (CAP) report for the second quarter of 2009 in a timely manner.

Self Report? NO Classification: Moderate

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

Description: Failure to report the occurrence of a deviation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
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 EEE 63.1209(b)
5C THSC Chapter 382 382.085(b)
General Condition 10 PERMIT
General Terms and Conditions OP
Special Condition 7 OP

Description: Failure to maintain one-minute average CMS data as required by 40 CFR Part 63, Subpart EEE.

Date: 08/20/2010 (842997)

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-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR 1302, Special Condition 12G PERMIT

Description: Failure to monitor tagged Leak Detection and Repair (LDAR) components on a quarterly basis. EIC C,1 MIN 3,A

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-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 9E PERMIT

Description: Failure to maintain the Start-up Flare thermocouple temperature above 400 degrees Celsius. EIC B,18 MOD 2,G

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP

Description: Failure to report the occurrence of a deviation in a timely manner. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.620
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 EEE 63.1206(c)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 4F PERMIT

Description: Failure to conduct monthly infrared monitoring of the North ADN Boiler to as specified in the Documentation of Compliance. EIC C,1 MIN 3,A

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 1 OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 12E PERMIT
NSR Permit 1302, Special Conditions 3C PERMIT
NSR Permit 1302, Special Conditions 4E PERMIT

Description: Failure to equip open-ended lines (OELs) with a second valve, a blind flange, or a tightly-fitting plug or cap. EIC C,10 MIN 3,D

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, General Condition 1 PERMIT

Description: Failure to comply with the representations made in a permit application. EIC B,19,g,1 MOD 2,G

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 10B OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 3A PERMIT

Description: Failure to conduct second and third quarter visual inspections of individual drain systems. EIC C,1 MIN 3,A

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.107(b)(4)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 4C PERMIT

Description: Failure to maintain documentation of weekly audible, visual, olfactory (AVO) inspections. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 4F PERMIT

Description: Failure to submit the initial semiannual Excessive Emissions and continuous emission monitoring system (CEMS) Performance Report in a timely manner. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor

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

Description: Failure to maintain loading inspection forms as required. EIC C,3 Min 3,C

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01897, General Terms and Condition OP
 FOP O-01897, Special Condition 1 OP
 FOP O-01897, Special Condition 20 OP
 Description: Failure to maintain records of the monthly degreaser inspection for June 2009.
 EIC C,3 MIN 3,C

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
 5C THSC Chapter 382 382.085(b)
 FOP O-01897, General Condition 9C OP
 FOP O-01897, General Terms and Condition OP
 FOP O-01897, Special Condition 21 OP
 NSR Permit 1302, Special Condition 3A PERMIT
 Description: Failure to maintain documentation of quarterly visual container inspections
 required by 40 CFR 61, Subpart FF. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THSC Chapter 382 382.085(b)
 FOP O-01897, General Terms and Condition OP
 FOP O-01897, Special Condition 21 OP
 NSR Permit 1302, Special Condition 3A PERMIT
 Description: Failure to accurately monitor the benzene concentration in the exhaust vent
 stream from the carbon adsorption system during the 2009 ADN Unit turnaround.
 EIC C,1 MIN 3,A

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01897, General Terms and Condition OP
 FOP O-01897, Special Condition 21 OP
 Description: Failure to comply with the monitoring procedures specified in Method 21 of 40
 CFR Part 60, Appendix A. EIC C,1 MIN 3,A

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-01897, General Terms and Condition OP
 FOP O-01897, Special Condition 21 OP
 NSR Permit 1302, Special Condition 12F PERMIT
 Description: Failure to conduct quarterly LDAR monitoring of valves smaller than 0.5 inches.
 EIC B,19, g,1 MOD 2,A

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter E 113.3050
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.106(d)(2)
 5C THSC Chapter 382 382.085(b)
 FOP O-01897, General Terms and Condition OP
 FOP O-01897, Special Condition 21 OP
 NSR Permit 1302, Special Condition 4C PERMIT
 Description: Failure to re-monitor a leaking component within 15 days of the repair. EIC C,1
 MIN 3,A

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

FOP O-01897, Special Condition 1 OP

Description: Failure to demonstrate compliance with the VOC control efficiency required by 30 TAC 115.122(a)(2) for the North and South ADN Boilers. EIC B,19,g,1 MOD 2,G

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 3A PERMIT

Description: Failure to place a car seal on a bypass line valve when required. EIC B,14 MOD 2,G

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 3A PERMIT

Description: Failure to include the proper notification with waste shipments regulated by 40 CFR Part 61, Subpart FF. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 3A PERMIT

Description: Failure to maintain continuous records of the ADN Operating Flare pilot flame monitoring. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.500
30 TAC Chapter 113, SubChapter C 113.890
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 FFFF 63.2525(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.985(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 4D PERMIT

Description: Failure to maintain pump flow data for the Hydrochloric Acid (HCl) Scrubber. EIC C,3 MIN 3,C

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP

Description: Failure to comply with the representations made in a permit application. EIC B,18 MOD 2,G

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.890
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
FOP O-01897, Special Condition 21 OP
NSR Permit 1302, Special Condition 4D PERMIT

Description: Failure to ensure that the HCI scrubber is operated as designed.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.620
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 EEE 63.1209(b)
5C THSC Chapter 382 382.085(b)
FOP O-01897, General Terms and Condition OP
NSR Permit 1302, Special Condition 4F PERMIT
Special Condition 21 OP

Description: Failure to maintain monitoring records required by 40 CFR Part 63, Subpart EEE for the North and South ADN Boilers.

Date: 10/15/2010 (850015)

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 D 60.45(g)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSD-TX-1085, Special Condition 2(6) PERMIT
Special Condition 21 OP

Description: Failure to submit the semiannual New Source Performance Standards (NSPS) Subpart D report for the ADN North Boiler in a timely manner.

Date: 12/22/2010 (871656)

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)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 13 OP
Special Condition 1E PERMIT
Special Condition 7E PERMIT

Description: Failure to equip open-ended lines (OELs) with a second valve, a blind flange, or a tightly-fitting plug or cap.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP
Special Condition 11 OP

Description: Failure to conduct the monthly degreaser inspection for March 2010.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP

Description: Failure to comply with the monitoring procedures specified in Method 21 of 40 CFR Part 60, Appendix A.

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)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 13 OP
Special Condition 1F PERMIT
Special Condition 7F PERMIT

Description: Failure to conduct quarterly LDAR monitoring of valves smaller than 0.5 inches.

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)
General Terms and Conditions OP
Special Condition 13 OP
Special Conditions 7F and 7G PERMIT

Description: Failure to monitor LDAR components in gas/vapor service on a quarterly basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.142(1)(D)(ii)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP
Special Condition 5 B OP

Description: Failure to properly control emissions from waste streams routed from the HMD Unit to the Powerhouse Boilers.

Self Report? NO Classification: Minor

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

Description: Failure to report the occurrence of a deviation.

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)
General Condition 8 PERMIT
General Terms and Conditions OP
Special Condition 13 OP

Description: Failure to maintain the Ammonia (NH3) emissions from the #1 Vent Stack (EPN PE-20) below the maximum allowable emission rate.

Date: 02/25/2011 (895472)

Self Report? NO Classification: Major

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

Description: Failure to satisfy the initial reporting requirements for a reportable emissions event (Incident 148709).

Self Report? NO Classification: Major

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)
Special Condition 1 PERMIT
Special Condition 20 OP

Description: Failure to maintain an emission rate below the allowable emission limit for Incident 148709.

Date: 05/26/2011 (914893)

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 14E PERMIT
Special Condition 21 OP

Description: Failure to submit a sampling report within 60 days after the completion of sampling. EIC C3 MOD2B

Date: 07/22/2011 (915678)

Self Report? NO 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)
General Terms and Conditions OP
Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit for incident 152552.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report Incident 152552 within 24 hours after discovery.

Date: 08/24/2011 (950057)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: The facility failed to maintain records.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to properly conduct daily calibrations on a fugitive monitoring instrument.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(2)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: The facility failed to conduct a daily calibration on the carbon monoxide continuous emission monitors.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(a)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: The facility failed to submit a semiannual report in a timely manner.

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 1A OP
SC 3A PERMIT

Description: Failure to maintain feed rate limits for Power Boilers 5 and 8.

Self Report? NO Classification: Moderate

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

Description: Failure to maintain an opacity limit.

F. Environmental audits.

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

No DOV Associated

Notice of Intent Date: 09/08/2010 (887541)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-1547-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 facility at 3055A Farm-to-Market Road 1006 in Orange 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 notices of the violations alleged in Section II ("Allegations") on or about August 14, 2011, August 17, 2011, and August 29, 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 Thirty-Six Thousand One Hundred Dollars (\$36,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Four Hundred

Forty Dollars (\$14,440) of the administrative penalty and Seven Thousand Two Hundred Twenty Dollars (\$7,220) 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. Fourteen Thousand Four Hundred Forty Dollars (\$14,440) 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 recognizes that the Respondent has implemented the following corrective measures:
 - a. On May 25, 2011, components of the seal flush system were reviewed and replaced with more appropriately sized components and personnel completed refresher training on seal operation, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 151694;
 - b. On September 22, 2011, personnel completed training and a review of applicable start-up procedures for the Adipic Acid Process Unit, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 152089; and
 - c. On September 22, 2011, developed an annual compliance certification reporting manual and checklist to ensure that annual compliance certifications are submitted as required.
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 prevent unauthorized emissions, in violation of Federal Operating Permit ("FOP") No. O1897, Special Terms and Conditions No. 21, New Source Review Permit ("NSRP") Nos. 1302 and PSD-TX-1085, 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 on May 20, 2011. Specifically, the Respondent released the following unauthorized emissions from the Adiponitrile Process Unit during an avoidable emissions event (Incident No. 151694) that began on March 8, 2011 and lasted six hours: 614.05 pounds ("lbs") of pentenenitrile, 154.34 lbs of 1-3 butadiene, 110.97 lbs of nitrogen oxide, 73.53 lbs of butenes, 11.7 lbs of carbon monoxide, 5.85 lbs of nitrogen dioxide, 2.21 lbs of hydrogen cyanide, 1.34 lbs of cyclohexane, 1.08 lbs of 2-methylglutaronitrile, and 0.83 lb of other volatile organic compounds. The emissions event occurred when a seal on the circulation pump failed due to seal flush system components not being able to maintain adequate operating pressure and flow. Since this emissions event could have been avoided through better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of FOP No. O1897, Special Terms and Conditions No. 21, NSRP No. 1790, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 4, 2011. Specifically, the Respondent released the following unauthorized emissions from the Adipic Acid Process Unit during an avoidable emissions event (Incident No. 152089) that began on March 16, 2011 and lasted one hour and 47 minutes: 13,042.30 lbs of nitrous oxide, 41.72 lbs of carbon monoxide, 19.13 lbs of nitrogen dioxide, and 11.01 lbs of nitrogen oxide. The emissions event occurred when vent gas had to be routed to the atmosphere due to back pressure and high levels in the absorber. Since this emissions event could have been avoided through better operation practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to submit an annual compliance certification ("ACC") within 30 days after the end of the certification period, in violation of FOP No. O1897, General Terms and Conditions, FOP No. O1898, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 1, 2011 and an investigation conducted on August 17, 2011. Specifically, the ACC for the period of April 21, 2010 to February 28, 2011 was due by March 30, 2011, however, it was not submitted until August 3, 2011. In addition, the ACC for the period of March 18, 2010 to May 15, 2010 was due by June 14, 2010, however, it was not submitted until June 15, 2011.

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. 2011-1547-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, Fourteen Thousand Four Hundred Forty Dollars (\$14,440) 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

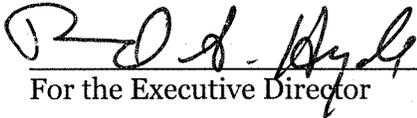
Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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. 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

3/9/12

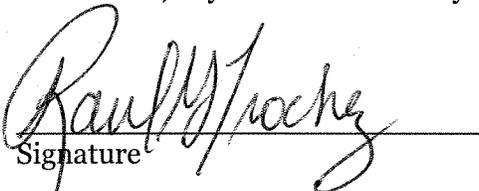
Date

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.



Signature

12/14/2011

Date

RAUL G. TROCHEZ

Name (Printed or typed)
Authorized Representative of
INVISTA S.a r.l.

Site Manager

Title

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

Attachment A
Docket Number: 2011-1547-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: INVISTA S.a r.l.

Penalty Amount: Twenty-Eight Thousand Eight Hundred Eighty Dollars (\$28,880)

SEP Offset Amount: Fourteen Thousand Four Hundred Forty Dollars (\$14,440)

Type of SEP: Pre-approved

Third-Party Recipient: *City of Orange Municipal Building Energy Efficiency Project*

Location of SEP: Orange County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be used by the **City of Orange Municipal Building Energy Efficiency Project** as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will be used to perform energy efficiency upgrades on public buildings and infrastructure. The SEP Offset Amount may only be used for: (1) the cost of conducting energy efficiency audits; (2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); (3) the incremental cost of purchase of equipment or appliances that are more energy-efficient (versus the cost of purchasing non-energy efficient equipment or appliances); or (4) other direct costs authorized in advance by TCEQ. The SEP Offset Amount may only be used for the direct cost of performing this project and no portion will be spent on administrative costs. For items 2, 3, and 4 above, Performing Party shall submit a budget and proposals for expenditure to TCEQ for written approval prior to the use of SEP Funds.

Modifications may include but are not limited to weatherization; energy-reduction modifications such as building envelope upgrades (cool roofs, exterior shading, optimized insulation and air sealing); installation of high-efficiency lighting fixtures and

INVISTA S.a r.l.
Agreed Order – Attachment A

occupancy sensors for both lighting and HVAC; high-efficiency demand-controlled ventilation and energy-efficient boilers; more efficient exterior lighting and energy-efficient office equipment; replacing heating, ventilation, and cooling (HVAC) systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and boosting productivity through increased use of daylighting; installation of LED traffic lights; and use of renewable energy sources. Performing Party shall quantify the environmental benefit of each project and submit the results of those calculations to TCEQ within 90 days of completion of each project.

The Respondent certifies that it has 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

Implementation of the SEP will provide a discernable environmental benefit by reducing fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

City of Orange, Texas
c/o John Johnson, Carl R. Griffith and Associates
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642-8077

3. Records and Reporting

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

INVISTA S.a r.l.
Agreed Order – Attachment A

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 Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Office of Legal Services
Attention: SEP Coordinator, MC 175
P.O. Box 13088
Austin, Texas 78711-3088

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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