

Executive Summary – Enforcement Matter – Case No. 45520

INVISTA S.A R.L.

RN104244942

Docket No. 2012-2392-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

INVISTA La Porte Plant, 12455 Strang Road, La Porte, Harris County

Type of Operation:

Copolymer production plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 24, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$39,485

Amount Deferred for Expedited Settlement: \$7,897

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,794

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$15,794

Name of SEP: Harris County

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 45520

INVISTA S.A R.L.

RN104244942

Docket No. 2012-2392-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 15, 2012 to October 2, 2012

Date(s) of NOE(s): November 1, 2012

Violation Information

1. Failed to comply with representations in the permit application for New Source Review (“NSR”) No. 28315. Specifically, Respondent failed to operate within the permitted maximum rate of 15,000 gallons/hour (“gal/hr”) for ACAN Storage Tank for eleven hours between April 1, 2011 and September 28, 2011 [30 TEX. ADMIN. CODE § 116.116(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with representations in the permit application for NSR Permit No. 2925 and to comply with the permitted hourly emissions rate. Specifically, Respondent failed to operate within the permitted maximum filling rate of 6,000 gal/hr and exceeded the permitted volatile organic compounds hourly emissions rate of 0.08 pound/hour for THF Intermediates Storage Tank Nos. 1, 2, 3, and 4 for a total of 52 hours between October 31, 2011 and March 12, 2012 [30 TEX. ADMIN. CODE §§ 116.115(c) and 116.116(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 2925, Special Conditions No. 1].
3. Failed to comply with representations in the permit application for NSR Permit No. 2925. Specifically, Respondent failed to operate within the permitted maximum filling rates of 1,500 gal/hr for Butanol Loading, 12,000 gal/hr for C Refined BYD Tank, 9,000 gal/hr for A Shipping THF Product Storage Tank, 9,000 gal/hr for B Shipping THF Product Storage Tank, and 5,000 gal/hr for B Crude THF Tank, for a total of 365 hours between October 27, 2011 and March 31, 2012 [30 TEX. ADMIN. CODE § 116.116(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On June 6, 2012, NSR Permit No. 2925 was amended to include updates to reflect actual operating conditions for Butanol Loading, THF Intermediates Storage Tank No. 3, and the B Crude THF Tank;
- b. On July 27, 2012, an amendment application was submitted for NSR Permit No. 28315 to update emissions for the ACAN Storage Tank; and

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c. On August 2, 2012, an amendment application for NSR Permit No. 2925 was submitted to increase the tank fill rates for the Butanol Loading, C Refined BYD Tank, A Shipping THF Product Storage Tank, B Shipping THF Product Storage Tank, B Crude THF Tank, and THF Intermediates Storage Tank Nos. 1, 2, 3, and 4.

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment applications for NSR Permit Nos. 2925 and 28315 within 30 days after the date of such requests, or by any other deadline specified in writing; and
 - b. Within 180 days, submit written certification that either authorization to operate a source of air emissions has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

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: Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Gary C. Huffman, Plant Manager, INVISTA S.A R.L., 12455 Strang Road, La Porte, Texas 77571
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-2392-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INVISTA S.a r.l.
Penalty Amount:	Thirty-One Thousand Five Hundred Eighty-Eight Dollars (\$31,588)
SEP Offset Amount:	Fifteen Thousand Seven Hundred Ninety-Four Dollars (\$15,794)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Harris County
Project Name:	<i>Ambient and Meteorological Air Monitoring</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Harris County** for the *Ambient and Meteorological Air Monitoring* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand portions of its existing ambient air quality monitoring network in the Harris County area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP Offset Amount may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP Offset Amount provided. Future sites and parameters may be added (as identified through specific work plans and upon approval by TCEQ), depending on availability of SEP Offset Amount. SEP Offset Amount may be used to purchase equipment, hardware, software, and licenses to enable the monitoring of ambient air pollutants. SEP Offset Amount may also be used for maintenance of the air monitoring equipment and for the contracting of air monitoring services. No portion of the SEP Offset Amount will be used for administrative costs or salaries of Third-Party Administrator's personnel. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time volatile organic compounds, ozone, and/or meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of Hazardous Air Pollutants. Data from the monitors will be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the National Ambient Air Quality Standard 8-hour ozone standard and it provides a key source of information that is essential to furthering overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will also be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, including ozone forecasts and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness, and indirectly by providing data useful in addressing Houston's ozone non-attainment status.

The Meteorological Monitoring program will provide data relating to wind direction, ambient temperature, and ultraviolet ray intensity for use in understanding ozone production and travel. This real-time data will be accessible for air quality regulators and the public via the TCEQ's ambient air quality database.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Harris County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Harris County
Attention: Latrice Babin
101 South Richey, Suite H
Pasadena, Texas 77506

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision October 30, 2008

DATES	Assigned	5-Nov-2012	Screening	15-Nov-2012	EPA Due	
	PCW	14-Mar-2013				

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

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	45520	Order Type	1660
Docket No.	2012-2392-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Heather Podlipny
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for two agreed orders with denial of liability, one NOV with same/similar violations and three NOVs with dissimilar violations. Reduction for two Notices of Intent to conduct audits.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 15-Nov-2012

Docket No. 2012-2392-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 45520

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104244942

Media [Statute] Air

Enf. Coordinator Heather Podlipny

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>)	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 49%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two agreed orders with denial of liability, one NOV with same/similar violations and three NOVs with dissimilar violations. Reduction for two Notices of Intent to conduct audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 49%

Screening Date 15-Nov-2012
Respondent INVISTA S.a r.l.
Case ID No. 45520

Docket No. 2012-2392-AIR-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104244942

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.116(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with representations in the permit application for New Source Review Permit No. 28315. Specifically, the Respondent failed to operate within the permitted maximum filling rate of 15,000 gallons/hour for the ACAN Storage Tank for nine hours between April 1, 2011 and August 29, 2011.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Potential			x	10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 9 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended for the storage tank.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$416

Violation Final Penalty Total \$1,490

This violation Final Assessed Penalty (adjusted for limits) \$1,490

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 45520
Reg. Ent. Reference No. RN104244942
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$3,500	1-Apr-2011	15-Aug-2013	2.38	\$416	n/a	\$416
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Permit Costs estimated cost is for amending or revising the permit to include correct tank fill loading rate representations. The Date Required is the date of the first documented violation and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$416



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	5-Nov-2012	Screening	15-Nov-2012	EPA Due	
	PCW	14-Mar-2013				

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

CASE INFORMATION		No. of Violations	3
Enf./Case ID No.	45520	Order Type	1660
Docket No.	2012-2392-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Heather Podlipny
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$25,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **49.0%** Enhancement **Subtotals 2, 3, & 7** **\$12,495**

Notes: Enhancement for two agreed orders with denial of liability, one NOV with same/similar violations and three NOVs with dissimilar violations. Reduction for two Notices of Intent to conduct audits.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts \$0
Approx. Cost of Compliance \$0
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$37,995**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$37,995**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$37,995**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$7,599**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$30,396**

Screening Date 15-Nov-2012

Docket No. 2012-2392-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 45520

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104244942

Media [Statute] Air

Enf. Coordinator Heather Podlipny

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>)	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 49%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two agreed orders with denial of liability, one NOV with same/similar violations and three NOVs with dissimilar violations. Reduction for two Notices of Intent to conduct audits.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 49%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 49%

Screening Date 15-Nov-2012

Docket No. 2012-2392-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 45520

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104244942

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 116.116(a), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Permit No. 2925, Special Conditions No. 1

Violation Description

Failed to comply with representations in the permit application for NSR Permit No. 2925 and to comply with the permitted hourly emissions rate. Specifically, the Respondent failed to operate within the permitted maximum filling rate of 6,000 gallons/hour ("gal/hr") and exceeded the permitted volatile organic compounds ("VOC") hourly emissions rate of 0.08 pound/hour ("lb/hr") for THF Intermediates Storage Tank Nos. 1, 2, 3, and 4 for a total of 52 hours between October 31, 2011 and March 12, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Approximately 1.8 lbs of VOC were emitted. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

5 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$15,000

Four single events are recommended (one per storage tank).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$22,350

This violation Final Assessed Penalty (adjusted for limits) \$22,350

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.
Case ID No. 45520
Reg. Ent. Reference No. RN104244942
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit from Violation No. 1 in PCW Revision No. 2.

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

\$0

TOTAL

\$0

Screening Date 15-Nov-2012
Respondent INVISTA S.a r.l.
Case ID No. 45520

Docket No. 2012-2392-AIR-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104244942

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 116.116(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with representations in the permit application for NSR Permit No. 2925. Specifically, the Respondent failed to operate within the permitted maximum filling rates of 1,500 gal/hr for Butanol Loading, 12,000 gal/hr for C Refined BYD Tank, 9,000 gal/hr for A Shipping THF Product Storage Tank, 9,000 gal/hr for B Shipping THF Product Storage Tank, and 5,000 gal/hr for B Crude THF Tank, for a total of 365 hours between October 27, 2011 and March 31, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 5

156 **Number of violation days**

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

Violation Base Penalty \$8,750

Five single events are recommended (one for each loading rate).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$8,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$13,038

This violation Final Assessed Penalty (adjusted for limits) \$13,038

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 45520
Reg. Ent. Reference No. RN104244942
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit from Violation No. 1 in PCW Revision No. 2.

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

\$0

TOTAL

\$0

Screening Date 15-Nov-2012

Docket No. 2012-2392-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 45520

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104244942

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 116.116(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with representations in the permit application for New Source Review Permit No. 28315. Specifically, the Respondent failed to operate within the permitted maximum filling rate of 15,000 gallons/hour for the ACAN Storage Tank for two hours between September 21, 2011 and September 28, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
The Respondent demonstrated that the permitted hourly emissions rates were not exceeded during the period of non-compliance. Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 Number of violation days 2

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

Violation Base Penalty \$1,750

One single event is recommended for the storage tank.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,608

This violation Final Assessed Penalty (adjusted for limits) \$2,608

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.
Case ID No. 45520
Reg. Ent. Reference No. RN104244942
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
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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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit from Violation No. 1 in PCW Revision No. 2.

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

\$0

TOTAL

\$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN602582231, RN104244942, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN602582231, INVISTA S.a r.l. **Classification:** SATISFACTORY **Rating:** 8.89

Regulated Entity: RN104244942, INVISTA LA PORTE PLANT **Classification:** SATISFACTORY **Rating:** 13.18

Complexity Points: 9 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 12455 STRANG ROAD, LA PORTE, TX 77571-9806, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 87431

AIR NEW SOURCE PERMITS AFS NUM 4820101558

AIR NEW SOURCE PERMITS REGISTRATION 75469

AIR NEW SOURCE PERMITS PERMIT 2925

AIR NEW SOURCE PERMITS REGISTRATION 74282

AIR NEW SOURCE PERMITS REGISTRATION 78582

AIR NEW SOURCE PERMITS REGISTRATION 78884

AIR NEW SOURCE PERMITS REGISTRATION 81312

AIR NEW SOURCE PERMITS REGISTRATION 84214

AIR NEW SOURCE PERMITS REGISTRATION 99671

AIR NEW SOURCE PERMITS REGISTRATION 101945

AIR OPERATING PERMITS PERMIT 1891

STORMWATER PERMIT TXR05R407

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXR000057745

AIR NEW SOURCE PERMITS REGISTRATION 71941

AIR NEW SOURCE PERMITS REGISTRATION 72392

AIR NEW SOURCE PERMITS PERMIT 28315

AIR NEW SOURCE PERMITS REGISTRATION 74302

AIR NEW SOURCE PERMITS REGISTRATION 79364

AIR NEW SOURCE PERMITS REGISTRATION 80943

AIR NEW SOURCE PERMITS REGISTRATION 84571

AIR NEW SOURCE PERMITS REGISTRATION 99378

AIR NEW SOURCE PERMITS REGISTRATION 100530

AIR NEW SOURCE PERMITS REGISTRATION 106490

AIR OPERATING PERMITS ACCOUNT NUMBER HGA004D

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HGA004D

POLLUTION PREVENTION PLANNING ID NUMBER

P06987

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: January 02, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 12, 2007 to November 12, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Heather Podlipny

Phone: (512) 239-2603

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/26/2010 ADMINORDER 2009-1538-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 1A and 15 OP
SC 3A and 4A OP
Description: Failure to meet the minimum heating value for Step 1 Flare (EPN TF-09C). Specifically, the Respondent averaged a heating value of 212.22 British thermal units per standard cubic feet ("Btu/scf") for 3,408 hours during April 12, 2007 through October 11, 2007, which was below the required minimum heating value of 300 Btu/scf. During this time period, no unauthorized emissions were documented from the Step 1 Flare as a result of the low heating value.
- 2 Effective Date: 12/25/2010 ADMINORDER 2010-0635-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)
5C THSC Chapter 382 382.085(b)
Description: Failed to continuously monitor HRVOC emissions from the THF-Step 1 Flare since February 1, 2006. Specifically, the Respondent receives the acetylene feed stream from two "steam cracker" acetylene suppliers that may contain a small amount of HRVOC, resulting in the Plant having the potential to exceed the 5 percent weight HRVOC content in the vent gas stream to the flare which makes the Plant subject to the continuous HRVOC monitoring requirement.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 28, 2008	(640570)
Item 2	February 23, 2010	(789239)
Item 3	March 28, 2011	(899333)
Item 4	May 27, 2011	(878156)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 11/30/2011 (952408) CN602582231
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 7E PERMIT
ST&C 11 OP
ST&C 1A OP
Description: Failure to cap open ended lines. (Category C10 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP
Description: Failure to maintain documentation of repairs to leaking components after AVO inspection. (Category C3 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

2

Date: 02/16/2012 (952410) CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
5C THSC Chapter 382 382.085(b)
Special Conditions 8F PA
ST&C 1A and 15 OP

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

Description: ST&C 15 OP
 Failure to maintain permitted scrubber flow rate. Category B18 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
 5C THSC Chapter 382 382.085(b)
 SC 3 PA
 ST&C 1A, 15 OP
 Description: Failure to maintain a Startup Shutdown and Malfunction Plan records. Category C3 violation.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
 5C THSC Chapter 382 382.085(b)
 SC 9 PA
 ST&C 1A and 15 OP
 Description: Failure to monitor connectors HRVOC/VOC/HAP's service. Category B19.g(9) violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to discontinue loading operation when visible leak was confirmed. Category B18 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GT&C OP
 ST&C 22 OP
 Description: Failure to comply with process safety management (PSM) and risk management plan (RMP) requirements. Category C3 violation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to demonstrate ethylene glycol tank construction and emissions authorization. Category B4 violation.

3

Date: 10/01/2012 (1029189) CN602582231
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 8E PERMIT
 STC 15 OP
 Description: Fifteen open ended lines in VOC/HAP service (C10).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 SC 4A PERMIT
 STC 15 OP
 Description: Failure to maintain net heating value of combusted gases in the flares at or above 300 Btu/scf (C4).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 SC 4B PERMIT
 STC 15 OP
 Description: Failure to record continuous presence of the flare pilot flame (C4).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
STC 1A OP
Description: Failure to record audiovisual-olfactory inspection of a loading event (C1).
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)
STC 15 OP

Description: Failure to maintain scrubber flow rate at the permitted limit (C1).
Self Report? NO Classification: Minor

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

Description: Failure to comply with risk management plan requirements (C1).
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.134
5C THSC Chapter 382 382.085(b)
GTC OP

Description: Failures to include three storage tanks in Title V permit (C3).

4

Date: 11/01/2012 (1029136) CN602582231
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 7E PERMIT
Special Term & Condition 1A OP
Special Term & Condition 20 OP

Description: Failure to cap or plug 16 open-ended lines. (Category C10 Violation).
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)
Special Term & Condition 1A OP

Description: Failure to perform AVO Inspections during loading operations. (Category C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14C PERMIT
Special Term & Condition 20 OP

Description: Failure to calibrate LEL Detectors for contaminant monitoring. (Category C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term & Condition 20 OP

Description: Failure to maintain and record miscellaneous maintenance activities. (Category C3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 10B PERMIT
Special Term & Condition 20 OP

Description: Failure to car-seal and inspect two bypass lines around the PTMEG Flare. (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 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)
5C THSC Chapter 382 382.085(b)
Special Condition 7I PERMIT
Special Condition 8 PERMIT
Special Term & Condition 1A OP
Special Term & Condition 20 OP

Description: Failure to repair one pump seal leak within 15 calendar days. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 7F PERMIT
Special Term & Condition 1A OP
Special Term & Condition 20 OP

Description: Failure to perform the required Method 21 calibrations to Instrument #16319590. (Category C1 Violation)

Self Report? NO Classification: Minor

Citation: Special Condition 8F PERMIT
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.356(2)(B)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7F PERMIT
Special Condition 9A PERMIT
Special Term & Condition 1A OP
Special Term & Condition 20 OP

Description: Failure to perform Method 21 monitoring to 336 LDAR components in volatile organic compound (VOC) service (Category C7 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 8E PERMIT
Special Term & Condition 20 OP

Description: Failure to perform Method 21 monitoring to 184 connectors in volatile organic compound (VOC) service (Category C7 Violation)

F. Environmental audits:

Notice of Intent Date: 01/12/2010 (795010)

No DOV Associated

Notice of Intent Date: 06/04/2012 (1013866)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INVISTA S.a r.l.
RN104244942**

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

AGREED ORDER DOCKET NO. 2012-2392-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a copolymer production plant at 12455 Strang Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 6, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Nine Thousand Four Hundred Eighty-Five Dollars (\$39,485) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Seven Hundred Ninety-Four Dollars (\$15,794) of the administrative penalty and Seven

Thousand Eight Hundred Ninety-Seven Dollars (\$7,897) 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. Fifteen Thousand Seven Hundred Ninety-Four Dollars (\$15,794) 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On June 6, 2012, New Source Review ("NSR") Permit No. 2925 was amended to include updates to reflect actual operating conditions for Butanol Loading, THF Intermediates Storage Tank No. 3, and the B Crude THF Tank;
 - b. On July 27, 2012, an amendment application was submitted for NSR Permit No. 28315 to update emissions for the ACAN Storage Tank; and
 - c. On August 2, 2012, an amendment application for NSR Permit No. 2925 was submitted to increase the tank fill rates for the Butanol Loading, C Refined BYD Tank, A Shipping THF Product Storage Tank, B Shipping THF Product Storage Tank, B Crude THF Tank, and THF Intermediates Storage Tank Nos. 1, 2, 3, and 4.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with representations in the permit application for NSR No. 28315, in violation of 30 TEX. ADMIN. CODE § 116.116(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 15, 2012 to October 2, 2012. Specifically, the Respondent failed to operate within the permitted maximum rate of 15,000 gallons/hour ("gal/hr") for ACAN Storage Tank for eleven hours between April 1, 2011 and September 28, 2011.
2. Failed to comply with representations in the permit application for NSR Permit No. 2925 and to comply with the permitted hourly emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 116.116(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 2925, Special Conditions No. 1, as documented during an investigation conducted on September 15, 2012 to October 2, 2012. Specifically, the Respondent failed to operate within the permitted maximum filling rate of 6,000 gal/hr and exceeded the permitted volatile organic compounds ("VOC") hourly emissions rate of 0.08 pound/hour for THF Intermediates Storage Tank Nos. 1, 2, 3, and 4 for a total of 52 hours between October 31, 2011 and March 12, 2012.
3. Failed to comply with representations in the permit application for NSR Permit No. 2925, in violation of 30 TEX. ADMIN. CODE § 116.116(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 15, 2012 to October 2, 2012. Specifically, the Respondent failed to operate within the permitted maximum filling rates of 1,500 gal/hr for Butanol Loading, 12,000 gal/hr for C Refined BYD Tank, 9,000 gal/hr for A Shipping THF Product Storage Tank, 9,000 gal/hr for B Shipping THF Product Storage Tank, and 5,000 gal/hr for B Crude THF Tank, for a total of 365 hours between October 27, 2011 and March 31, 2012.

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. 2012-2392-AIR-E" to:

Financial Administration Division, Revenue Operations 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, Fifteen Thousand Seven Hundred Ninety-Four Dollars (\$15,794) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment applications for NSR Permit Nos. 2925 and 28315 within 30 days after the date of such requests, or by any other deadline specified in writing; and
 - b. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate a source of air emissions has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

The written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Penn & Jovic
For the Executive Director

6/4/13
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.

G.C. Huffman
Signature

4-3-13
Date

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

Plant Manager
Title

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

Attachment A
Docket Number: 2012-2392-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INVISTA S.a r.l.
Penalty Amount:	Thirty-One Thousand Five Hundred Eighty-Eight Dollars (\$31,588)
SEP Offset Amount:	Fifteen Thousand Seven Hundred Ninety-Four Dollars (\$15,794)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Harris County
Project Name:	<i>Ambient and Meteorological Air Monitoring</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Harris County** for the *Ambient and Meteorological Air Monitoring* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand portions of its existing ambient air quality monitoring network in the Harris County area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP Offset Amount may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP Offset Amount provided. Future sites and parameters may be added (as identified through specific work plans and upon approval by TCEQ), depending on availability of SEP Offset Amount. SEP Offset Amount may be used to purchase equipment, hardware, software, and licenses to enable the monitoring of ambient air pollutants. SEP Offset Amount may also be used for maintenance of the air monitoring equipment and for the contracting of air monitoring services. No portion of the SEP Offset Amount will be used for administrative costs or salaries of Third-Party Administrator's personnel. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time volatile organic compounds, ozone, and/or meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of Hazardous Air Pollutants. Data from the monitors will be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the National Ambient Air Quality Standard 8-hour ozone standard and it provides a key source of information that is essential to furthering overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will also be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, including ozone forecasts and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness, and indirectly by providing data useful in addressing Houston's ozone non-attainment status.

The Meteorological Monitoring program will provide data relating to wind direction, ambient temperature, and ultraviolet ray intensity for use in understanding ozone production and travel. This real-time data will be accessible for air quality regulators and the public via the TCEQ's ambient air quality database.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Harris County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Harris County
Attention: Latrice Babin
101 South Richey, Suite H
Pasadena, Texas 77506

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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