

**Executive Summary – Enforcement Matter – Case No. 47113**

**INVISTA S.a r.l.**

**RN102663671**

**Docket No. 2013-1215-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, 2695 Old Bloomington Road North, Victoria County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No.: 2012-0747-WDW-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** February 7, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$11,238

**Amount Deferred for Expedited Settlement:** \$2,247

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$4,496

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$4,495

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc.

**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. 47113**

**INVISTA S.a r.l.**

**RN102663671**

**Docket No. 2013-1215-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 27, 2012

**Date(s) of NOE(s):** June 6, 2013

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,310 pounds ("lbs") of ammonia, 14 lbs of hydrogen cyanide, 5.30 lbs of carbon monoxide, and 0.05 lb of acetonitrile from the Adiponitrile Unit Converter No. 2, during an emissions event (Incident No. 157511) which began on July 31, 2011, and lasted for 15 minutes. The event occurred when an operator shut off control air to Converter No. 2 instead of Converter No. 3, causing Converter No. 2 to shut down resulting in a release. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit ("FOP") No. O1415, Special Terms and Conditions ("STC") No. 12, Air Permit Nos. 7186 and PSDTX1079, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 115.05 lbs of ammonia, and 0.02 lb of hexamethylenediamine ("HMD") from the HMD Synthesis Building, Emission Point Number 04VNT-007, during an emissions event (Incident No. 172348) which began on August 14, 2012, and lasted for one minute. The event occurred during electrical testing of the Adiponitrile Injection Pump when an increase in pressure in the organic vent header caused the ammonia injection pump to interlock, shutting down the HMD Synthesis Building. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1902, STC No. 15, Air Permit No. 23271, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On October 19, 2011, updated the Equipment Specific Procedure for each hydrogen cyanide converter;

**Executive Summary – Enforcement Matter – Case No. 47113**  
**INVISTA S.a r.l.**  
**RN102663671**  
**Docket No. 2013-1215-AIR-E**

- b. On November 27, 2011, conducted operator training and fabricated and installed signs on each operating floor clearly identifying each converter by number to prevent recurrence of emissions events due to same or similar causes as Incident No. 157511;
- c. On October 16, 2012, conducted operator training to prevent recurrence of emissions events due to same or similar causes as Incident No. 172348; and
- d. On October 30, 2012, developed panel identification documents by taking digital pictures of the panel button orientation and attaching them to the document file for each piece of equipment in their software application known as SAP.

**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:** Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** Paul B. Hughes, Site Manager, INVISTA S.a r.l., P.O. Box 2626, Victoria, Texas 77902  
Louis G. Rodriguez, Compliance Manager, INVISTA S.a r.l., P.O. Box 2626, Victoria, Texas 77902  
**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2013-1215-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>INVISTA S.a r.l.</b>
<b>Penalty Amount:</b>	<b>Eight Thousand Nine Hundred Ninety-One Dollars (\$8,991)</b>
<b>SEP Amount:</b>	<b>Four Thousand Four Hundred Ninety-Five Dollars (\$4,495)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D") - Clean School Buses</b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 214 - Corpus Christi - Victoria</b>

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 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 to the Third-Party Administrator pursuant to the agreement between the Third-Party Administrator and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the Third-Party Administrator as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides reduction catalyst technology in combination with diesel

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

particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

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

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which was phased between 2007 and 2010.

c. Minimum Expenditure

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

Texas Association of Resource Conservation and Development Areas, Inc.  
Attention: Ken Awtrey  
P.O. Box 635067  
Nacogdoches, Texas 75961

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

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

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of 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 identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	10-Jun-2013	<b>Screening</b>	18-Jun-2013	<b>EPA Due</b>	
	<b>PCW</b>	24-Jun-2013				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	INVISTA S.a r.l.
<b>Reg. Ent. Ref. No.</b>	RN102663671
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	47113	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-1215-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nadia Hameed
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,500</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
<b>Compliance History</b>	<b>112.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>
		<b>\$2,800</b>

Notes: Enhancement for six NOV's with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and repeat violator status. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$625</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$77  
 Approx. Cost of Compliance: \$4,781  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$4,675</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$4,675</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$4,675</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$935</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$3,740</b>
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Screening Date 18-Jun-2013

Docket No. 2013-1215-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 47113

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102663671

Media [Statute] Air

Enf. Coordinator Nadia Hameed

### 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> )	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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> )	1	-1%
	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> )	2	-4%
<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)** 87%

>> Repeat Violator (Subtotal 3)

Yes

**Adjustment Percentage (Subtotal 3)** 25%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

**Compliance History Notes**

Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and repeat violator status. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 112%

**Screening Date** 18-Jun-2013  
**Respondent** INVISTA S.a r.l.  
**Case ID No.** 47113  
**Reg. Ent. Reference No.** RN102663671  
**Media [Statute]** Air  
**Enf. Coordinator** Nadia Hameed

**Docket No.** 2013-1215-AIR-E

**PCW**

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

**Violation Number** 1

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit No. O1415, Special Terms and Conditions No. 12, Air Permit Nos. 7186 and PSDTX1079, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,310 pounds ("lbs") of ammonia, 14 lbs of hydrogen cyanide, 5.30 lbs of carbon monoxide, and 0.05 lb of acetonitrile from the Adiponitrile Unit Converter No. 2, during an emissions event (Incident No. 157511) which began on July 31, 2011, and lasted for 15 minutes. The event occurred when an operator shut off control air to Converter No. 2 instead of Converter No. 3, causing Converter No. 2 to shut down resulting in a release. Since the emissions event could have been avoided through better operational 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** 25%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0%

**Matrix Notes**

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** \$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 the corrective actions on November 27, 2011, prior to the June 6, 2013 NOE.

**Violation Subtotal** \$1,875

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$77

**Violation Final Penalty Total** \$4,675

**This violation Final Assessed Penalty (adjusted for limits)** \$4,675

# Economic Benefit Worksheet

**Respondent** INVISTA S.a.r.l.  
**Case ID No.** 47113  
**Reg. Ent. Reference No.** RN102663671  
**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)	\$500	31-Jul-2011	19-Oct-2011	0.22	\$0	\$7	\$8
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	31-Jul-2011	27-Nov-2011	0.33	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,781	31-Jul-2011	27-Nov-2011	0.33	\$62	n/a	\$62

**Notes for DELAYED costs**

Estimated expense to update the equipment specific procedure for each converter (completed October 19, 2011) and conduct operator training. Actual expense (provided by Respondent) to fabricate and install signs that clearly identify each converter by number. The Date Required is the date of the emissions event and the Final Dates are the dates the corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$4,781

**TOTAL**

\$77



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	10-Jun-2013	<b>Screening</b>	18-Jun-2013	<b>EPA Due</b>	
	<b>PCW</b>	24-Jun-2013				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	INVISTA S.a r.l.		
<b>Reg. Ent. Ref. No.</b>	RN102663671		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	47113	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-1215-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nadia Hameed
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$3,750</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
<b>Compliance History</b>	100.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$3,750</b>

Notes: Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and repeat violator status. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$937</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
<small>Total EB Amounts</small>	\$5		
<small>Approx. Cost of Compliance</small>	\$600		
<small>*Capped at the Total EB \$ Amount</small>			

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$6,563</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Notes: Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Final Penalty Amount</b>	<b>\$6,563</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$6,563</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$1,312</b>
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Notes: Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)  
Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$5,251</b>
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**Screening Date** 18-Jun-2013

**Docket No.** 2013-1215-AIR-E

**PCW**

**Respondent** INVISTA S.a r.l.

Policy Revision 3 (September 2011)

**Case ID No.** 47113

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN102663671

**Media [Statute]** Air

**Enf. Coordinator** Nadia Hameed

### 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> )	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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> )	1	-1%
	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> )	2	-4%

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)** 87%

>> **Repeat Violator (Subtotal 3)**

Yes

**Adjustment Percentage (Subtotal 3)** 25%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes** Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and repeat violator status. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 112%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 100%

**Screening Date** 18-Jun-2013  
**Respondent** INVISTA S.a r.l.  
**Case ID No.** 47113  
**Reg. Ent. Reference No.** RN102663671  
**Media [Statute]** Air  
**Enf. Coordinator** Nadia Hameed  
**Violation Number** 1

**Docket No.** 2013-1215-AIR-E

**PCW**

Policy Revision 3 (September 2011)  
 PCW Revision August 3, 2011

**Rule Cite(s)**

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O1902, Special Terms and Conditions No. 15, Air Permit No. 23271, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 115.05 pounds ("lbs") of ammonia, and 0.02 lb of hexamethylenediamine ("HMD") from the HMD Synthesis Building, Emission Point Number 04VNT-007, during an emissions event (Incident No. 172348) which began on August 14, 2012, and lasted for one minute. The event occurred during electrical testing of the Adiponitrile Injection Pump when an increase in pressure in the organic vent header caused the ammonia injection pump to interlock, shutting down the HMD Synthesis Building. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

**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

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 1

1 Number of violation days

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

**Violation Base Penalty** \$3,750

One quarterly event is recommended.

**Good Faith Efforts to Comply**

25.0% Reduction

\$937

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

Notes: The Respondent completed the corrective actions on October 30, 2012, prior to the June 6, 2013 NOE.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$5

**Violation Final Penalty Total** \$6,563

**This violation Final Assessed Penalty (adjusted for limits)** \$6,563

# Economic Benefit Worksheet

**Respondent** INVISTA S.a r.l.  
**Case ID No.** 47113  
**Reg. Ent. Reference No.** RN102663671  
**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	\$500	14-Aug-2012	16-Oct-2012	0.17	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	14-Aug-2012	30-Oct-2012	0.21	\$1	n/a	\$1

**Notes for DELAYED costs**

Estimated expense to revise procedures and conduct operator training. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$600

**TOTAL**

\$5

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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, RN102663671, 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:** 8.48

**Regulated Entity:** RN102663671, INVISTA SARL

**Classification:** SATISFACTORY **Rating:** 8.28

**Complexity Points:** 57

**Repeat Violator:** YES

**CH Group:** 05 - Chemical Manufacturing

**Location:** 2695 OLD BLOOMINGTON RD N, VICTORIA COUNTY

**TCEQ Region:** REGION 14 - CORPUS CHRISTI

### ID Number(s):

**AIR OPERATING PERMITS PERMIT 1867**  
**AIR OPERATING PERMITS PERMIT 1902**  
**AIR OPERATING PERMITS PERMIT 1867**  
**AIR OPERATING PERMITS ACCOUNT NUMBER VC0008Q**  
**INDUSTRIAL AND HAZARDOUS WASTE EPA ID**  
**TXR000057968**  
**INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50056**

**AIR OPERATING PERMITS PERMIT 1904**  
**AIR OPERATING PERMITS PERMIT 1415**  
**AIR OPERATING PERMITS PERMIT 1902**  
**AIR OPERATING PERMITS PERMIT 1904**  
**INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50393**

### PETROLEUM STORAGE TANK REGISTRATION

**REGISTRATION 24717**  
**UNDERGROUND INJECTION CONTROL PERMIT WDW028**  
**UNDERGROUND INJECTION CONTROL PERMIT WDW030**  
**UNDERGROUND INJECTION CONTROL PERMIT WDW106**  
**UNDERGROUND INJECTION CONTROL PERMIT WDW143**  
**UNDERGROUND INJECTION CONTROL PERMIT**  
**5X2600662**

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE**  
**REGISTRATION # (SWR) 87449**  
**UNDERGROUND INJECTION CONTROL PERMIT WDW004**

**UNDERGROUND INJECTION CONTROL PERMIT WDW029**  
**UNDERGROUND INJECTION CONTROL PERMIT WDW105**  
**UNDERGROUND INJECTION CONTROL PERMIT WDW142**  
**UNDERGROUND INJECTION CONTROL PERMIT WDW144**  
**AIR NEW SOURCE PERMITS REGISTRATION 102807**

**AIR NEW SOURCE PERMITS REGISTRATION 109959**  
**AIR NEW SOURCE PERMITS PERMIT 810**  
**AIR NEW SOURCE PERMITS PERMIT 813**  
**AIR NEW SOURCE PERMITS REGISTRATION 7873**  
**AIR NEW SOURCE PERMITS REGISTRATION 14751**  
**AIR NEW SOURCE PERMITS PERMIT 23271**  
**AIR NEW SOURCE PERMITS REGISTRATION 37067**  
**AIR NEW SOURCE PERMITS REGISTRATION 43502**  
**AIR NEW SOURCE PERMITS REGISTRATION 44234**  
**AIR NEW SOURCE PERMITS REGISTRATION 45219**  
**AIR NEW SOURCE PERMITS ACCOUNT NUMBER VC0008Q**  
**AIR NEW SOURCE PERMITS REGISTRATION 71504**  
**AIR NEW SOURCE PERMITS REGISTRATION 56688**  
**AIR NEW SOURCE PERMITS REGISTRATION 74109**  
**AIR NEW SOURCE PERMITS REGISTRATION 76575**  
**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1079**  
**AIR NEW SOURCE PERMITS REGISTRATION 83151**  
**AIR NEW SOURCE PERMITS REGISTRATION 82497**  
**AIR NEW SOURCE PERMITS REGISTRATION 84582**  
**AIR NEW SOURCE PERMITS REGISTRATION 87563**  
**AIR NEW SOURCE PERMITS REGISTRATION 89577**  
**AIR NEW SOURCE PERMITS REGISTRATION 93064**  
**AIR NEW SOURCE PERMITS REGISTRATION 92217**  
**AIR NEW SOURCE PERMITS REGISTRATION 92339**

**AIR NEW SOURCE PERMITS PERMIT 809**  
**AIR NEW SOURCE PERMITS PERMIT 812**  
**AIR NEW SOURCE PERMITS PERMIT 7186**  
**AIR NEW SOURCE PERMITS PERMIT 9560**  
**AIR NEW SOURCE PERMITS PERMIT 20011**  
**AIR NEW SOURCE PERMITS PERMIT 31376**  
**AIR NEW SOURCE PERMITS REGISTRATION 43301**  
**AIR NEW SOURCE PERMITS REGISTRATION 43501**  
**AIR NEW SOURCE PERMITS REGISTRATION 45256**  
**AIR NEW SOURCE PERMITS REGISTRATION 47610**  
**AIR NEW SOURCE PERMITS AFS NUM 4846900001**  
**AIR NEW SOURCE PERMITS REGISTRATION 71789**  
**AIR NEW SOURCE PERMITS REGISTRATION 73896**  
**AIR NEW SOURCE PERMITS REGISTRATION 73898**  
**AIR NEW SOURCE PERMITS REGISTRATION 77089**  
**AIR NEW SOURCE PERMITS REGISTRATION 80416L**  
**AIR NEW SOURCE PERMITS REGISTRATION 82508**  
**AIR NEW SOURCE PERMITS REGISTRATION 87075**  
**AIR NEW SOURCE PERMITS REGISTRATION 91357**  
**AIR NEW SOURCE PERMITS REGISTRATION 85650**  
**AIR NEW SOURCE PERMITS REGISTRATION 92605**  
**AIR NEW SOURCE PERMITS REGISTRATION 92094**  
**AIR NEW SOURCE PERMITS REGISTRATION 91536**  
**AIR NEW SOURCE PERMITS REGISTRATION 94187**

AIR NEW SOURCE PERMITS REGISTRATION 94270  
AIR NEW SOURCE PERMITS REGISTRATION 95372  
AIR NEW SOURCE PERMITS REGISTRATION 95376  
AIR NEW SOURCE PERMITS REGISTRATION 95435  
AIR NEW SOURCE PERMITS REGISTRATION 95796  
AIR NEW SOURCE PERMITS REGISTRATION 96200  
AIR NEW SOURCE PERMITS REGISTRATION 102817  
AIR NEW SOURCE PERMITS REGISTRATION 96543  
AIR NEW SOURCE PERMITS REGISTRATION 97968  
AIR NEW SOURCE PERMITS REGISTRATION 109746  
AIR NEW SOURCE PERMITS REGISTRATION 98693  
AIR NEW SOURCE PERMITS REGISTRATION 96851  
AIR NEW SOURCE PERMITS REGISTRATION 97945  
AIR NEW SOURCE PERMITS REGISTRATION 101170  
AIR NEW SOURCE PERMITS REGISTRATION 98047  
AIR NEW SOURCE PERMITS REGISTRATION 98591  
AIR NEW SOURCE PERMITS REGISTRATION 102690  
AIR NEW SOURCE PERMITS REGISTRATION 104566  
AIR NEW SOURCE PERMITS REGISTRATION 103996  
AIR NEW SOURCE PERMITS REGISTRATION 101961  
AIR NEW SOURCE PERMITS REGISTRATION 101892  
AIR NEW SOURCE PERMITS REGISTRATION 101902  
AIR NEW SOURCE PERMITS REGISTRATION 103001  
AIR NEW SOURCE PERMITS REGISTRATION 102246  
AIR NEW SOURCE PERMITS REGISTRATION 102699  
AIR NEW SOURCE PERMITS REGISTRATION 103841  
AIR NEW SOURCE PERMITS REGISTRATION 107245  
AIR NEW SOURCE PERMITS REGISTRATION 106757  
AIR NEW SOURCE PERMITS REGISTRATION 105033  
AIR NEW SOURCE PERMITS REGISTRATION 108018  
AIR NEW SOURCE PERMITS REGISTRATION 110059  
AIR NEW SOURCE PERMITS REGISTRATION 109939  
AIR NEW SOURCE PERMITS REGISTRATION 106823  
AIR NEW SOURCE PERMITS REGISTRATION 108668  
AIR NEW SOURCE PERMITS REGISTRATION 107204  
AIR NEW SOURCE PERMITS REGISTRATION 107096  
AIR NEW SOURCE PERMITS REGISTRATION 108638  
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION  
2350014  
WASTEWATER PERMIT WQ0000476000  
WASTEWATER LICENSING LICENSE WQ0000476000  
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION  
# (SWR) 30079  
POLLUTION PREVENTION PLANNING ID NUMBER  
P06852

AIR NEW SOURCE PERMITS REGISTRATION 95034  
AIR NEW SOURCE PERMITS REGISTRATION 94982  
AIR NEW SOURCE PERMITS REGISTRATION 95553  
AIR NEW SOURCE PERMITS REGISTRATION 95786  
AIR NEW SOURCE PERMITS REGISTRATION 95926  
AIR NEW SOURCE PERMITS REGISTRATION 96860  
AIR NEW SOURCE PERMITS REGISTRATION 98317  
AIR NEW SOURCE PERMITS REGISTRATION 96440  
AIR NEW SOURCE PERMITS REGISTRATION 99643  
AIR NEW SOURCE PERMITS REGISTRATION 101241  
AIR NEW SOURCE PERMITS REGISTRATION 101161  
AIR NEW SOURCE PERMITS REGISTRATION 97797  
AIR NEW SOURCE PERMITS REGISTRATION 99179  
AIR NEW SOURCE PERMITS REGISTRATION 101026  
AIR NEW SOURCE PERMITS REGISTRATION 100958  
AIR NEW SOURCE PERMITS REGISTRATION 101644  
AIR NEW SOURCE PERMITS REGISTRATION 101656  
AIR NEW SOURCE PERMITS REGISTRATION 104062  
AIR NEW SOURCE PERMITS REGISTRATION 103838  
AIR NEW SOURCE PERMITS REGISTRATION 103298  
AIR NEW SOURCE PERMITS REGISTRATION 101769  
AIR NEW SOURCE PERMITS REGISTRATION 102390  
AIR NEW SOURCE PERMITS REGISTRATION 102334  
AIR NEW SOURCE PERMITS REGISTRATION 102541  
AIR NEW SOURCE PERMITS REGISTRATION 102845  
AIR NEW SOURCE PERMITS REGISTRATION 108535  
AIR NEW SOURCE PERMITS REGISTRATION 106607  
AIR NEW SOURCE PERMITS REGISTRATION 105010  
AIR NEW SOURCE PERMITS REGISTRATION 106762  
AIR NEW SOURCE PERMITS REGISTRATION 109873  
AIR NEW SOURCE PERMITS REGISTRATION 110228  
AIR NEW SOURCE PERMITS REGISTRATION 105728  
AIR NEW SOURCE PERMITS REGISTRATION 105206  
AIR NEW SOURCE PERMITS REGISTRATION 105022  
AIR NEW SOURCE PERMITS REGISTRATION 110085  
AIR NEW SOURCE PERMITS REGISTRATION 107577  
AIR NEW SOURCE PERMITS REGISTRATION 110234  
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION  
2350014  
WASTEWATER EPA ID TX0006050  
WATER LICENSING LICENSE 2350014  
AIR EMISSIONS INVENTORY ACCOUNT NUMBER  
VC0008Q

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

**Date Compliance History Report Prepared:** June 20, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 20, 2008 to June 20, 2013

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

**Name:** Nadia Hameed

**Phone:** (713) 767-3629

**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: 10/18/2009 ADMINORDER 2009-0364-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

2 **Effective Date: 09/16/2011 ADMINORDER 2011-0310-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

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

Rqmt Prov: GC8 & SC1 PERMIT

Special Condition (SC) No. 1 PA  
Special Terms & Conditions (ST&C) No. 21 OP

Description: Failed to prevent unauthorized emissions, in violation of Federal Operating Permit No. O1904, Special Terms and Conditions No. 21, New Source Review Permit Nos. 7186 and PSDTX1079, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from September 21, 2010 to October 18, 2010. Specifically, the Respondent released 2,379.2 pounds ("lbs") of ammonia phosphate, 883.23 lbs

3 **Effective Date: 04/08/2012 ADMINORDER 2011-1420-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

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

Rqmt Prov: NSR 7186 SC No. 1 PERMIT

Title V 1904 STC No. 21 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 654 pounds ("lbs") of pentenenitrile, 101 lbs of adiponitrile, 4.30 lbs of 2 - methylglutaronitrile, 2.80 lbs of benzonitrile, 2.40 lbs of phenol, 1.40 lbs of m-cresol, 1.10 lbs of cyclohexane, 1 lb of other organics, 0.40 lb of benzene, and 0.30 lb of hydrogen cyanide from a safety relief valve in the Adiponitrile Unit during an avoidable emissions event (Incident No. 150977) that began on February 18, 2011 and last

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	August 06, 2008	(685463)
Item 2	August 18, 2008	(710755)
Item 3	August 19, 2008	(687695)
Item 4	August 28, 2008	(685079)
Item 5	September 16, 2008	(682835)
Item 6	September 17, 2008	(710756)
Item 7	October 13, 2008	(703125)
Item 8	October 20, 2008	(710757)
Item 9	November 13, 2008	(671370)
Item 10	November 17, 2008	(705741)
Item 11	November 20, 2008	(708258)
Item 12	December 04, 2008	(709080)
Item 13	December 05, 2008	(709059)
Item 14	December 16, 2008	(750289)
Item 15	February 19, 2009	(750285)
Item 16	March 10, 2009	(726867)
Item 17	March 15, 2009	(750286)
Item 18	April 07, 2009	(741321)
Item 19	April 08, 2009	(750288)
Item 20	April 16, 2009	(750287)
Item 21	April 29, 2009	(741884)
Item 22	May 05, 2009	(743096)
Item 23	May 07, 2009	(744694)
Item 24	May 18, 2009	(768380)
Item 25	June 10, 2009	(743884)
Item 26	June 11, 2009	(768381)
Item 27	June 12, 2009	(747644)
Item 28	June 17, 2009	(745213)
Item 29	July 06, 2009	(744541)
Item 30	July 09, 2009	(759851)
Item 31	July 23, 2009	(760840)
Item 32	July 29, 2009	(762893)
Item 33	August 10, 2009	(762823)
Item 34	August 11, 2009	(762901)
Item 35	August 20, 2009	(804701)
Item 36	August 25, 2009	(760849)
Item 37	September 16, 2009	(804702)
Item 38	September 21, 2009	(776248)
Item 39	October 01, 2009	(804703)
Item 40	November 09, 2009	(767740)
Item 41	November 12, 2009	(782121)
Item 42	November 19, 2009	(804704)
Item 43	November 20, 2009	(781559)
Item 44	December 10, 2009	(784690)
Item 45	December 17, 2009	(804705)
Item 46	December 29, 2009	(782482)
Item 47	January 14, 2010	(804706)
Item 48	January 29, 2010	(789998)
Item 49	February 18, 2010	(804700)
Item 50	March 16, 2010	(830901)
Item 51	April 05, 2010	(792860)
Item 52	April 19, 2010	(830902)
Item 53	April 21, 2010	(799851)
Item 54	May 11, 2010	(830903)
Item 55	May 25, 2010	(824296)
Item 56	July 07, 2010	(827543)
Item 57	July 19, 2010	(860869)
Item 58	July 27, 2010	(841403)
Item 59	July 28, 2010	(828124)
Item 60	July 29, 2010	(842337)

Item 61	August 03, 2010	(798917)
Item 62	August 18, 2010	(866836)
Item 63	August 24, 2010	(844890)
Item 64	August 25, 2010	(845969)
Item 65	August 26, 2010	(848907)
Item 66	August 31, 2010	(738159)
Item 67	September 10, 2010	(843915)
Item 68	September 15, 2010	(850212)
Item 69	September 20, 2010	(873907)
Item 70	September 29, 2010	(850379)
Item 71	October 01, 2010	(865236)
Item 72	October 20, 2010	(881508)
Item 73	November 12, 2010	(873553)
Item 74	November 16, 2010	(888035)
Item 75	November 30, 2010	(879413)
Item 76	December 20, 2010	(896248)
Item 77	January 24, 2011	(886744)
Item 78	January 26, 2011	(887766)
Item 79	February 23, 2011	(900149)
Item 80	March 17, 2011	(905852)
Item 81	March 21, 2011	(905282)
Item 82	April 06, 2011	(908710)
Item 83	April 14, 2011	(911863)
Item 84	April 19, 2011	(924818)
Item 85	May 23, 2011	(906511)
Item 86	June 15, 2011	(920384)
Item 87	June 17, 2011	(945401)
Item 88	June 22, 2011	(924360)
Item 89	July 19, 2011	(952630)
Item 90	August 09, 2011	(941136)
Item 91	August 16, 2011	(937589)
Item 92	August 17, 2011	(959311)
Item 93	August 22, 2011	(948918)
Item 94	August 26, 2011	(950131)
Item 95	August 31, 2011	(951024)
Item 96	September 28, 2011	(956376)
Item 97	October 04, 2011	(958324)
Item 98	October 17, 2011	(962788)
Item 99	October 18, 2011	(962907)
Item 100	October 20, 2011	(971384)
Item 101	October 26, 2011	(962950)
Item 102	November 18, 2011	(977543)
Item 103	December 13, 2011	(974277)
Item 104	December 20, 2011	(984311)
Item 105	January 18, 2012	(980293)
Item 106	January 20, 2012	(990612)
Item 107	January 25, 2012	(976711)
Item 108	February 08, 2012	(983181)
Item 109	February 17, 2012	(976722)
Item 110	February 20, 2012	(997973)
Item 111	March 09, 2012	(982412)
Item 112	March 22, 2012	(993937)
Item 113	April 18, 2012	(1010061)
Item 114	April 30, 2012	(1024175)
Item 115	May 02, 2012	(1001255)
Item 116	May 21, 2012	(1006990)
Item 117	June 05, 2012	(1003250)
Item 118	July 03, 2012	(1015565)
Item 119	July 05, 2012	(1015091)
Item 120	July 11, 2012	(1002627)
Item 121	July 20, 2012	(1031570)



Description: Failure to equip each open-ended line with a cap, blind flange, plug, or a second valve. Specifically, an open-ended line (Tag No. VP-1334A) discovered in the Diamine (East) Powerhouse Unit on June 14, 2011 constitutes a violation of the requirements with applicable regulations.

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 No. 8 PERMIT  
STC No. 1(A) OP

Description: Failure to record oxygen (O2) concentrations from the CEMS unit as required. Specifically, from February 1, 2011 through May 19, 2011 the Regulated Entity failed to record the O2 data.

3 **Date: 07/17/2012 (1008028) CN602582231**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP No. 1904 OP  
NSR Permit No. 7186 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event (Incident 155763) which occurred on June 15, 2011. The unauthorized release was the result of operator error. Specifically, the ADN operator omitted a step in the start-up process for the Converter.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP No. 1902 OP  
NSR Permit No. 23271 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event (Incident 159520) which occurred on September 21, 2011. The unauthorized release was the result of painting over a weep hole. Specifically, the blockage due to the paint allowed moisture to build and cause the formation of zinc oxide that reacted with the process vapors.

4 **Date: 08/22/2012 (1022395) CN602582231**

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)

Description: Failure to obtain regulatory authority for the operation of the East Natural Gas Distillate Tank.

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 No. 5 PERMIT

Description: Failure to limit Nitrogen oxides (NOx) emissions from the hydrogen reformer burner to 0.060 pound of NOx per MMBtu, higher heating value (HHV) basis.

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)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(f)  
5C THSC Chapter 382 382.085(b)

Description: Failure to obtain authorization for the operation of a portable engine (13ENG012) in permanent service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC No. 3 OP

Description: Failure to conduct the quarterly visible emission observations on 13 engines prior to the end of the third quarter (9/30/2011).

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 No. 20 PERMIT

Description: Failure to operate Breather Pots, EPNs: 04TVS-023, 04TFX-028, 04TFX-029, 04TVS-034, and 04TFX-033 with no less than 98.5 percent removal efficiency for

VOC and 80 percent removal efficiency for NH3.

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)  
Description: Failure to obtain regulatory authority for the operation of three baghouse filtration systems.

5 **Date: 08/31/2012 (1027929) CN602582231**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC No. 17(E) PERMIT  
Description: Failure to properly operate or equip each open-ended line (OEL) with a cap, blind flange, plug or a second valve. Specifically, during the Permit Compliance Certification period of April 1, 2011 through March 31, 2012, there were 15 OELs in VOC and/or HAP (hazardous air pollutant) service that were found not to have been equipped with a cap, blind flange, plug or a second valve.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to include all instances of deviations in the initial semi-annual deviation report submitted on October 31, 2011 for Federal Operating Permit (FOP) No. O-01904. Specifically, in the second semi-annual deviation report submitted on April 30, 2012 there were three deviations (Nos. 15, 21, and 39) submitted which should have been included on the initial semi-annual deviation report.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to maintain monthly record of total solvent makeup of the ADN Mechanical Shop degreasing unit. Specifically, during July 2011 Invista Sarl personnel failed to perform the monthly inspection on the degreasing unit so that the monthly record could be maintained.

Self Report? NO Classification: Minor  
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)  
SC No. 20 PERMIT  
Description: Failure to conduct monthly monitoring of the VOC (volatile organic compound) associated with the ADN cooling tower water in accordance with regulatory standards. Specifically, during the period of September 2011 - February 2012, monitoring was not conducted in accordance with Special Condition No. 20 of TCEQ NSR Permit No. 7186 since the calibration gas utilized was greater than plus/minus 2% of the specified concentration.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)  
5C THSC Chapter 382 382.085(b)  
SC No. 17 PERMIT  
Description: Failure to conduct periodic monitoring for fugitive emissions in the ADN Unit as required. Specifically, during the Permit Compliance Certification period the Regulated Entity failed to conduct annual monitoring on 435 new or replaced connectors, as well as quarterly monitoring for 59 new or replaced valves (56 valves - 4th quarter 2011 and 3 valves - 4th quarter 2011/1st quarter 2012) in VOC and/or HAP (hazardous air pollutant) service.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.130

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)  
5C THSC Chapter 382 382.085(b)  
SC No. 4 PERMIT

Description: Failure to identify HAP (hazardous air pollutants) components during the Permit Compliance Certification period. Specifically, the Regulated Entity failed to identify 441 connectors, 59 valves, and 2 pressure relief devices in the ADN Unit that are subject to 40 CFR 63, Subpart H requirements.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(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)

Description: Failure to provide notification utilizing form PI-7 within 10 days following the installation or modification of a facility authorized under 30 TAC Chapter 106 requirements. Specifically, the Regulated Entity installed an Alternate Discharge Line for an ADN Reactor Project in October 2011, but did not submit the PI-7 form until April 2, 2012.

6 **Date: 11/06/2012 (1034792) CN602582231**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC No. 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emission event which occurred on June 28, 2012, Incident No. 171316. Specifically, Invista released 2536.27 pounds of ammonia from the cold vent stack (EPN 04VNT-007) in 521 hours and 30 minutes as a result of operator error.

7 **Date: 02/19/2013 (1051778) CN602582231**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failed to provide notice to the executive director in writing or using electronic notification software provided by the executive director, of any such changes or additional information to that reported previously within 90 days of the occurrence of such change or of becoming aware of such additional information.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)

Description: Failed to clearly mark the date upon which each period of accumulation begins on each container.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failed to label or mark clearly each container or tank with the words "Hazardous Waste", while being accumulated.

## F. Environmental audits:

**Notice of Intent Date: 01/22/2008 (639322)**

**Disclosure Date: 07/23/2008**

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

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

Viol. Classification: Moderate

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

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

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

**Disclosure Date: 03/02/2011**

Viol. Classification: Minor

Citation: 40 CFR Chapter 136, SubChapter D, PT 136.136.3  
30 TAC Chapter 319, SubChapter A 319.1  
30 TAC Chapter 319, SubChapter A 319.11

Description: Composite wastewater samples for outfalls 001 and 151 were not consistently preserved at less than or equal to 6 degrees Celcius throughout the sampling and sample handling procedures and up to the point of analysis for daily, weekly, quarterly, and annual samples of Ammonia, Cyanide, semi-volatile organic and BOD. This has impacted sample results submitted in DMR reports and potentially, permit applications.

Viol. Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.1  
30 TAC Chapter 319, SubChapter A 319.9(c)

Description: The 24-hour composite samples collected from the two samplers for outfalls 001 and 151 were not properly composited. This has impacted sample results submitted in DMR reports and, potentially, permit applications.

Viol. Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.1  
30 TAC Chapter 319, SubChapter A 319.9(c)

Description: At high flow rates, the ISCO autosampler at the 001 outfall may have filled the sample collection bottles prior to the end of the 24 hr. sampling cycle.

Viol. Classification: Minor

Citation: 40 CFR Chapter 136, SubChapter D, PT 136.136.3  
30 TAC Chapter 319, SubChapter A 319.1  
30 TAC Chapter 319, SubChapter A 319.11

Description: Plastic bottles have been used rather than glass within the composite sampler for sample collection for quarterly semi-volatile analysis.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.139  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.140  
40 CFR Part 63, Subpart G 63.142  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152

Description: Failed to identify the material which was wastewater with greater than 10,000 ppm HAP, as it could be considered Group 1 wastewater. The disposal companies that received the wastewater also were not notified that the material was to be treated in accordance with HON provisions.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7881  
40 CFR Part 63, Subpart GGGGG 63.7950(c)

Description: Failed to submit an initial notification or maintain records demonstrating exemption from Subpart GGGGG, as the site conducts remediation in the form of soil removal projects and the soil is contaminated with 5,000 ppm of benzene and considered hazardous.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failed to have documentation demonstrating authorization for the emissions from the following sources for which emissions were reported in the annual emission inventory for CY 2009: Adipic Acid unit - 0.36 tons of process fugitive HNO3 emissions; 0.32 tons of HNO3 emissions and .0005 tons of process fugitive NH3 emissions from the C-12 unit; and 0.01 tons of HNO3 from the unit process fugitives in AOP.

Viol. Classification: Minor

- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to be able to verify that emissions estimations for planned maintenance, start-up, and shutdown (MSS) activities from EPN sources in the table in SC No. 25E used the methods identified in the Feb. 27, 2006 amendment application.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT SC 1
- Description: Exceeded the 4.86 tpy limit of VOC from the A/B Swing Tank in C-12 unit and failed to report it in the Tit. V deviation report dated 8/30/10.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)
- Description: Failed to have a table or list or map of the location of hazardous waste accumulation areas.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.69(a)(2)  
30 TAC Chapter 331, SubChapter D 331.65(c)(1)  
Rqmt Prov: PERMIT VII.F
- Description: Failed to report the annulus differential pressure as it was below 100 psi for 4 hours and 2 minutes, as the info was not included on the the 4th qtr. 2008 injection well report dated 1/8/09.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6
- Description: Failed to identify basins as solid waste management units on the plant's Solid Waste Notice of Registration.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)
- Description: Failed to ensure that Level A personnel had their annual refresher training. In addition, the training plan does not address initial training requirements for personnel required to have the Level C training.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(d)(3)
- Description: The lack of a consistent versioning methodology for CMS QA/QC plans resulted in insufficient documentation of superseded versions of the plan.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(f)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(j)(1)
- Description: The CPT reports for boilers 1, 3, 4, & 7 did not include the operating data for the combustion air flow rate for three of the five correlation test runs.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
- Description: Laboratory procedures ENVIR-07 and ENVIR-37 and OLA procedure 3-15-4 for collecting and preserving storm water samples do not instruct the operator taking the sample and the receiving lab analyst of the time constraints associated with sample collection and preservation as specified by the analytical method.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.44(k)
- Description: The SWP3 plan, inspection forms and attachments in the site environmental files are dated 6/18/08. The SWP3 plan Section 5.7 addresses the requirements for revisions to the plan, but the main file copy of the plan does not include the required summary of revisions.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.44(k)  
30 TAC Chapter 305, SubChapter F 305.125(11)
- Description: Failed to be able to provide records of the training required under the storm water pollution prevention plan at the time of the audit. According to the facility, each operator received the training despite the lack of a sign-in sheet of attendees for the training.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)
- Description: The SSMP plans lacked sufficient detail in that the SSMP states that the SSM procedures incorporated the Detail Operation Procedures by reference, but did not provide a reference to the specific DOP procedure that should be followed for a given SSM event.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)
- Description: MACT EEE SSMP plans lacked sufficient detail, in that corrective actions described in the table of "Potential Malfunctions of Boilers" were too general.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(7)
- Description: The MACT EEE Operation and Maintenance Plan lacked sufficient detail in that the plan refers the reader to the Operating Procedures located on the company internet site without providing any details.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)(2)(i)(E)
- Description: The MACT EEE Notification of Compliance documents for Boilers 1, 2, 3, 4, and 7 and 8 and their incorporated CPT reports do not include an analysis of source emissions to determine if they are major

sources.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(6)(vi)

Description: There is no documented annual refresher training for environmental compliance staff and the shipping/receiving personnel in the MACT EEE training program.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)

Description: The automatic waste feed cutoff does not immediately activate when the span of the CMS devices is met or exceeded; and also when the span of the combustion chamber temperature and atomizing steam CMS devices is met or exceeded for boilers 7 & 8.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(c)

Description: The CMS QA/QC plan did not contain the same range or span of numerous instruments, including hazardous waste feed rates, combustion chamber pressures, combustion air flow, and atomizing steam as area procedures.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6590

Description: Failed to evaluate applicability to the RICE MACT requirements for which potentially apply to the 26 stationary RICE engines. Six engines rated greater than 500 hp and 20 engines rated less than 500 hp.

Viol. Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.1

Description: Failed to be able to produce 3 complete years of records of the 001 outfall 24-hour composite sample temperature for the analog thermometer.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209

Description: The operating limits specified in the Notifications of Compliance are based on atomizing steam pressure and not on the the atomizing steam differential pressure specified by the manufacturer, while the CPT plan and report state that the operating limit is based on the manufacturer's specifications.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(6)(v)(8)

Description: Site specific training programs for control room operators did not include training on residue characteristics and handling procedures as required by MACT EEE.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1215(e)(1)(i)(G)

Description: The MACT EEE CPT report specified HRA and annual C12/HCL limits but did not provide the calculations supporting limits.

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
INVISTA S.A R.L.  
RN102663671**

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§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2013-1215-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 chemical manufacturing plant located at 2695 Old Bloomington Road North in Victoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The 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 June 11, 2013.
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 Eleven Thousand Two Hundred Thirty-Eight Dollars (\$11,238) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Four Hundred Ninety-Six Dollars (\$4,496) of the administrative penalty and Two Thousand Two

Hundred Forty-Seven Dollars (\$2,247) 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. Four Thousand Four Hundred Ninety-Five Dollars (\$4,495) 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 October 19, 2011, updated the Equipment Specific Procedure for each hydrogen cyanide converter;
  - b. On November 27, 2011, conducted operator training and fabricated and installed signs on each operating floor clearly identifying each converter by number to prevent recurrence of emissions events due to same or similar causes as Incident No. 157511;
  - c. On October 16, 2012, conducted operator training to prevent recurrence of emissions events due to same or similar causes as Incident No. 172348; and
  - d. On October 30, 2012, developed panel identification documents by taking digital pictures of the panel button orientation and attaching them to the document file for each piece of equipment in their software application known as SAP.
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 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit ("FOP") No. O1415, Special Terms and Conditions ("STC") No. 12, Air Permit Nos. 7186 and PSDTX1079, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 27, 2012. Specifically, the Respondent released 1,310 pounds ("lbs") of ammonia, 14 lbs of hydrogen cyanide, 5.30 lbs of carbon monoxide, and 0.05 lb of acetonitrile from the Adiponitrile Unit Converter No. 2, during an emissions event (Incident No. 157511) which began on July 31, 2011, and lasted for 15 minutes. The event occurred when an operator shut off control air to Converter No. 2 instead of Converter No. 3, causing Converter No. 2 to shut down resulting in a release. Since the emissions event could have been avoided through better operational 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 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1902, STC No. 15, Air Permit No. 23271, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 27, 2012. Specifically, the Respondent released 115.05 lbs of ammonia, and 0.02 lb of hexamethylenediamine ("HMD") from the HMD Synthesis Building, Emission Point Number 04VNT-007, during an emissions event (Incident No. 172348) which began on August 14, 2012, and lasted for one minute. The event occurred during electrical testing of the Adiponitrile Injection Pump when an increase in pressure in the organic vent header caused the ammonia injection pump to interlock, shutting down the HMD Synthesis Building. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### 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. 2013-1215-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 above, Four Thousand Four Hundred Ninety-Five Dollars (\$4,495) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph

exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

3/6/14  
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

December 4, 2013  
Date

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

Compliance 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: 2013-1215-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>INVISTA S.a r.l.</b>
<b>Penalty Amount:</b>	<b>Eight Thousand Nine Hundred Ninety-One Dollars (\$8,991)</b>
<b>SEP Amount:</b>	<b>Four Thousand Four Hundred Ninety-Five Dollars (\$4,495)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D") - Clean School Buses</b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 214 - Corpus Christi - Victoria</b>

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 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 to the Third-Party Administrator pursuant to the agreement between the Third-Party Administrator and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the Third-Party Administrator as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides reduction catalyst technology in combination with diesel

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

particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

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

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which was phased between 2007 and 2010.

c. Minimum Expenditure

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

Texas Association of Resource Conservation and Development Areas, Inc.  
Attention: Ken Awtrey  
P.O. Box 635067  
Nacogdoches, Texas 75961

**3. Records and Reporting**

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

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

#### **4. Failure to Fully Perform**

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

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

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

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

#### **5. Publicity**

Any public statements concerning this SEP made by or on behalf of 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 identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.