

Executive Summary – Enforcement Matter – Case No. 47132

INVISTA S.a r.l.

RN104392626

Docket No. 2013-1243-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Invista SARL Sabine River Site, located at 3055A Farm-to-Market Road 1006, Orange, Orange County

Type of Operation:

Organic chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No.: 2012-0968-AIR-E and 2013-1503-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 7, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$51,650

Amount Deferred for Expedited Settlement: \$10,330

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$20,660

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$20,660

Name of SEP: Southeast Texas Regional Planning Commission

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. 47132
INVISTA S.a r.l.
RN104392626
Docket No. 2013-1243-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 22, 2013 and June 19, 2012

Date(s) of NOE(s): June 21, 2013 and August 28, 2012

Violation Information

1. Failed to comply with the annual allowable emissions rate for the parts degreaser, Emission Point Number ("EPN") PF900. Specifically, the parts degreaser has an annual volatile organic compounds ("VOC") emissions rate of 0.01 ton per year ("tpy") and the Respondent reported emitting 0.0227 tpy of VOC during the 12-month period ending December 31, 2010, resulting in the exceedance of the allowable emissions rate by 0.0127 ton [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Air Permit Nos. 1302 and PSDTX1085, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01897, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with the VOC control efficiency for the North and South Adiponitrile Boilers. Specifically, the Respondent demonstrates VOC control efficiency by limiting the hourly rolling average concentration of carbon monoxide ("CO") to a maximum of 100 parts per million by volume ("ppmv") while waste gas is combusted in the boilers. Between May 18, 2010 and January 24, 2012, the Respondent reported 20 instances in which the hourly rolling average concentration of CO was greater than 100 ppmv while waste gas was being combusted in the North and South Adiponitrile Boilers [30 TEX. ADMIN. CODE §§ 115.121(a)(2), 115.122(a)(2), and 122.143(4), FOP No. 01897, STC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to include the required information in the deviation reports. Specifically, the deviation report for the reporting period from April 21, 2010 through October 20, 2010 did not include the applicable requirements for four deviations and the deviation reports for the reporting periods from October 21, 2010 through February 28, 2011, March 1, 2011 through August 31, 2011, September 1, 2011 through February 29, 2012 did not include the total number of times the deviation occurred for one deviation [30 TEX. ADMIN. CODE §§ 122.143(4), 122.144(4), and 122.146(5), FOP No. 01897, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to maintain an emissions record which includes calculated emissions of VOC from all storage tanks. Specifically, the Respondent did not maintain an emissions record for any of the storage tanks in the Adipic Acid Manufacturing Unit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. 01868, GTC and STC No. 12, Air Permit 1790 SC No. 12F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 47132

INVISTA S.a r.l.

RN104392626

Docket No. 2013-1243-AIR-E

5. Failed to maintain records of throughput for each month and for the year to date of the cyclohexane and methanol feedstock and all other storage tanks containing VOC that are listed on the Maximum Allowable Emission Rates Table [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. 01868, GTC and STC No. 12, Air Permit No. 1790 SC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following:

- a. By September 30, 2012, developed a checklist to ensure that all pertinent and applicable information is included with the semi-annual deviation reports;
- b. By December 31, 2012, revised procedures and conducted operator training to ensure compliance with the VOC control efficiency for the North and South Adiponitrile Boilers;
- c. On October 30, 2013, obtained the Permit-By-Rule authorization to increase the annual emissions rate for the parts degreaser, EPN PF900; and
- d. By November 15, 2013, developed and implemented procedures for data acquisition, calculation, and record keeping for the Adipic Acid Manufacturing Unit storage tanks.

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: Amancio Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Executive Summary – Enforcement Matter – Case No. 47132

INVISTA S.a r.l.

RN104392626

Docket No. 2013-1243-AIR-E

Respondent: Anurag Gupta, Environmental Manager, INVISTA S.a r.l., P.O. Box 1003, Orange, Texas 77631

Paul B. Hughes, Director, Texas Core Intermediates Operations, INVISTA S.a r.l., P.O. Box 1003, Orange, Texas 77631

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1243-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INVISTA S.a r.l.
Penalty Amount:	Forty-One Thousand Three Hundred Twenty Dollars (\$41,320)
SEP Offset Amount:	Twenty Thousand Six Hundred Sixty Dollars (\$20,660)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson 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 the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* 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 hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the

contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used 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 Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

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 **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

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:

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

TCEQ

DATES	Assigned	24-Jun-2013	Screening	3-Jul-2013	EPA Due	25-May-2013
	PCW	23-Dec-2013				

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

CASE INFORMATION			
Enf./Case ID No.	47132	No. of Violations	3
Docket No.	2013-1243-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$12,800**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **135.0%** Enhancement **Subtotals 2, 3, & 7** **\$17,280**

Notes: Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, five orders with denial of liability, and one order without denial of liability. Reduction for two notices of intent to conduct an audit.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,030**

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

Total EB Amounts **\$823**
 Approx. Cost of Compliance **\$6,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$29,050**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$29,050**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$29,050**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$5,810**

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 **\$23,240**

Screening Date 3-Jul-2013

Docket No. 2013-1243-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 47132

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104392626

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>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 135%

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

Total Adjustment Percentage (Subtotals 2, 3, & 7) 135%

Screening Date 3-Jul-2013

Docket No. 2013-1243-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 47132

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Air Permit Nos. 1302 and PSDTX1085, Special Conditions No. 1, Federal Operating Permit ("FOP") No. 01897, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the annual allowable emissions rate for the parts degreaser, Emission Point Number PF900. Specifically, the parts degreaser has an annual volatile organic compounds ("VOC") emissions rate of 0.01 ton per year ("tpy") and the Respondent reported emitting 0.0227 tpy of VOC during the 12-month period ending December 31, 2010, resulting in the exceedance of the allowable emissions rate by 0.0127 ton.

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

365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$2,500

One annual event is recommended for the period of non-compliance.

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$708

Violation Final Penalty Total \$5,875

This violation Final Assessed Penalty (adjusted for limits) \$5,875

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.
Case ID No. 47132
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$5,000	31-Dec-2010	30-Oct-2013	2.83	\$708	n/a	\$708
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to obtain a Permit by Rule to increase the emission limits for the parts degreaser. The Date Required is the date of the exceedance 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

\$5,000

TOTAL

\$708

Screening Date 3-Jul-2013

Docket No. 2013-1243-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 47132

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 115.121(a)(2), 115.122(a)(2), and 122.143(4), FOP No. 01897, STC No 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the VOC control efficiency for the North and South Adiponitrile Boilers. Specifically, the Respondent demonstrates VOC control efficiency by limiting the hourly rolling average concentration of Carbon Monoxide ("CO") to a maximum of 100 parts per million by volume ("ppmv") while waste gas is combusted in the boilers. Between May 18, 2010 and July 3, 2011, the Respondent reported 17 instances in which the hourly rolling average concentration of CO was greater than 100 ppmv while waste gas was being combusted in the North and South Adiponitrile Boilers.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	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 4

17 Number of violation days

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

Violation Base Penalty \$10,000

Four quarterly events are recommended for the exceedances that occurred between May 18, 2010 and July 3, 2011.

Good Faith Efforts to Comply

10.0% Reduction \$1,000

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

Notes The Respondent completed the corrective actions by December 31, 2012, after the August 28, 2012 NOE.

Violation Subtotal \$9,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$66

Violation Final Penalty Total \$22,500

This violation Final Assessed Penalty (adjusted for limits) \$22,500

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.
Case ID No. 47132
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	18-May-2010	31-Dec-2012	2.62	\$66	n/a	\$66
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to revise procedures and conduct training to ensure that VOC control efficiencies are met. The Date Required is the date of the initial exceedance 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

\$500

TOTAL

\$66

Screening Date 3-Jul-2013

Docket No. 2013-1243-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 2 (September 2002)

Case ID No. 47132

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4), 122.144(4), and 122.146(5), FOP No. 01897, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include the required information in the deviation reports. Specifically, the deviation report for the reporting period from April 21, 2010 through October 20, 2010 did not include the applicable requirements for four deviations and the deviation reports for the reporting periods from October 21, 2010 through February 28, 2011 and March 1, 2011 through August 31, 2011 did not include the total number of times the deviation occurred for one deviation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 70 percent of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3

711 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$300

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

Good Faith Efforts to Comply

10.0% Reduction

\$30

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

Notes

The Respondent completed the corrective actions by September 30, 2012, after the August 28, 2012 NOE.

Violation Subtotal \$270

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$49

Violation Final Penalty Total \$675

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

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.

Case ID No. 47132

Reg. Ent. Reference No. RN104392626

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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	20-Oct-2010	30-Sep-2012	1.95	\$49	n/a	\$49
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to develop a checklist to ensure that all information regarding the deviations are included in the reports. The Date Required is the date of the initial non-compliance 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

\$500

TOTAL

\$49



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	24-Jun-2013	Screening	3-Jul-2013	EPA Due	25-May-2013
	PCW	23-Dec-2013				

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

CASE INFORMATION		No. of Violations	4
Enf./Case ID No.	47132	Order Type	1660
Docket No.	2013-1243-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Nadia Hameed
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum		\$0	Maximum
			\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$11,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$11,500**

Notes Enhancement for two NOV's with same/similar violations, one NOV with dissimilar violations, five orders with denial of liability, and one order without denial of liability. Reduction for two notices of intent to conduct an audit.

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

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$400**

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

Total EB Amounts **\$284**
 Approx. Cost of Compliance **\$10,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$22,600**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$22,600**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$22,600**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$4,520**

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 **\$18,080**

Screening Date 3-Jul-2013

Docket No. 2013-1243-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 47132

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

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>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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) 135%

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 135%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 3-Jul-2013

Docket No. 2013-1243-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 47132

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 115.121(a)(2), 115.122(a)(2), and 122.143(4), Federal Operating Permit ("FOP") No. O1897, Special Terms and Conditions ("STC") No.1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the volatile organic compound ("VOC") control efficiency for the North and South Adiponitrile Boilers. Specifically, the Respondent demonstrates VOC control efficiency by limiting the hourly rolling average concentration of Carbon Monoxide ("CO") to a maximum of 100 parts per million by volume ("ppmv") while waste gas is combusted in the boilers. Between November 17, 2011 and January 14, 2012, the Respondent reported three instances in which the hourly rolling average concentration of CO was greater than 100 ppmv while waste gas was being combusted in the North and South Adiponitrile Boilers.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			x	Percent 15.0%
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification					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 3 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended for the exceedances that occurred between November 17, 2011 and January 14, 2012.

Good Faith Efforts to Comply

10.0% Reduction \$375

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

Notes The Respondent completed the corrective actions on December 31, 2012, after the August 28, 2012 NOE.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 47132
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 Economic Benefit under Violation No. 2 in the accompanying PCW.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 3-Jul-2013

Docket No. 2013-1243-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 47132

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.144(4), and 122.146(5), FOP No. O1897, General Terms and Conditions ("GTC") and STC No. 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include the required information in a deviation report. Specifically, the deviation report for the reporting period from September 1, 2011 through February 29, 2012 did not include the total number of times a deviation occurred for one deviation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

At least 70 percent of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

475 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended for the incomplete report.

Good Faith Efforts to Comply

10.0% Reduction

\$25

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

Notes

The Respondent completed the corrective actions on September 30, 2012, after the August 28, 2012 NOE.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$475

This violation Final Assessed Penalty (adjusted for limits) \$475

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.
Case ID No. 47132
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 Economic Benefit under Violation No. 3 in the accompanying PCW.

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 3-Jul-2013

Docket No. 2013-1243-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 47132

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1868, GTC and STC No. 12, Air Permit No. 1790 Special Conditions ("SC") No. 12F, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain an emissions record which includes calculated emissions of VOC from all storage tanks. Specifically, the Respondent did not maintain an emissions record for any of the storage tanks in the Adipic Acid Manufacturing Unit.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			15.0%

Matrix Notes 100 percent of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 72

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

Violation Base Penalty \$3,750

One single event is recommended for the set of emissions records.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$284

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.
Case ID No. 47132
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$10,000	22-Apr-2013	15-Nov-2013	0.57	\$284	n/a	\$284

Notes for DELAYED costs

Actual expense provided by the Respondent to develop and implement recordkeeping for the tanks. The Date Required is the date of the investigation 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

\$10,000

TOTAL

\$284

Screening Date 3-Jul-2013

Docket No. 2013-1243-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 47132

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1868, GTC and STC No. 12, Air Permit 1790 SC No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records of throughput for each month and for the year to date of the cyclohexane and methanol feedstock and all other storage tanks containing VOC that are listed on the Maximum Allowable Emission Rates Table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

72 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended for the set of throughput records.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 47132
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 4

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 Economic benefit under Violation No. 3 in the PCW.

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.



Compliance History Report

PUBLISHED Compliance History Report for CN602582231, RN104392626, 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:	RN104392626, INVISTA SARL SABINE RIVER SITE	Classification:	SATISFACTORY	Rating:	12.51
Complexity Points:	31	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	3055A FM 1006 ORANGE, TX 77630-8045, ORANGE COUNTY				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

AIR NEW SOURCE PERMITS AFS NUM 4836100244	AIR NEW SOURCE PERMITS REGISTRATION 76385
AIR NEW SOURCE PERMITS REGISTRATION 76134	AIR NEW SOURCE PERMITS PERMIT 1387
AIR NEW SOURCE PERMITS REGISTRATION 75994	AIR NEW SOURCE PERMITS PERMIT 1302
AIR NEW SOURCE PERMITS REGISTRATION 33081	AIR NEW SOURCE PERMITS REGISTRATION 43815
AIR NEW SOURCE PERMITS REGISTRATION 40371	AIR NEW SOURCE PERMITS REGISTRATION 38853
AIR NEW SOURCE PERMITS REGISTRATION 38402	AIR NEW SOURCE PERMITS REGISTRATION 37818
AIR NEW SOURCE PERMITS REGISTRATION 52687	AIR NEW SOURCE PERMITS REGISTRATION 43041
AIR NEW SOURCE PERMITS REGISTRATION 45950	AIR NEW SOURCE PERMITS REGISTRATION 44499
AIR NEW SOURCE PERMITS REGISTRATION 44206	AIR NEW SOURCE PERMITS REGISTRATION 42060
AIR NEW SOURCE PERMITS REGISTRATION 43816	AIR NEW SOURCE PERMITS REGISTRATION 53853
AIR NEW SOURCE PERMITS REGISTRATION 56241	AIR NEW SOURCE PERMITS REGISTRATION 50464
AIR NEW SOURCE PERMITS REGISTRATION 36731	AIR NEW SOURCE PERMITS REGISTRATION 35863
AIR NEW SOURCE PERMITS REGISTRATION 51530	AIR NEW SOURCE PERMITS REGISTRATION 51405
AIR NEW SOURCE PERMITS REGISTRATION 51509	AIR NEW SOURCE PERMITS REGISTRATION 71720
AIR NEW SOURCE PERMITS REGISTRATION 55029	AIR NEW SOURCE PERMITS REGISTRATION 54974
AIR NEW SOURCE PERMITS PERMIT 1303	AIR NEW SOURCE PERMITS PERMIT 9468
AIR NEW SOURCE PERMITS PERMIT 1790	AIR NEW SOURCE PERMITS REGISTRATION 76879
AIR NEW SOURCE PERMITS REGISTRATION 78657	AIR NEW SOURCE PERMITS REGISTRATION 79303
AIR NEW SOURCE PERMITS REGISTRATION 78882	AIR NEW SOURCE PERMITS REGISTRATION 80152
AIR NEW SOURCE PERMITS REGISTRATION 80427	AIR NEW SOURCE PERMITS REGISTRATION 79898
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1085	AIR NEW SOURCE PERMITS REGISTRATION 81904
AIR NEW SOURCE PERMITS REGISTRATION 81967	AIR NEW SOURCE PERMITS REGISTRATION 81976
AIR NEW SOURCE PERMITS REGISTRATION 81949	AIR NEW SOURCE PERMITS REGISTRATION 82408
AIR NEW SOURCE PERMITS REGISTRATION 82405	AIR NEW SOURCE PERMITS REGISTRATION 83014
AIR NEW SOURCE PERMITS REGISTRATION 82438	AIR NEW SOURCE PERMITS REGISTRATION 83021
AIR NEW SOURCE PERMITS REGISTRATION 90910	AIR NEW SOURCE PERMITS REGISTRATION 85930
AIR NEW SOURCE PERMITS REGISTRATION 86674	AIR NEW SOURCE PERMITS REGISTRATION 85494
AIR NEW SOURCE PERMITS REGISTRATION 91455	AIR NEW SOURCE PERMITS REGISTRATION 92531
AIR NEW SOURCE PERMITS REGISTRATION 92371	AIR NEW SOURCE PERMITS REGISTRATION 92530
AIR NEW SOURCE PERMITS REGISTRATION 92704	AIR NEW SOURCE PERMITS ACCOUNT NUMBER OCA002B
AIR NEW SOURCE PERMITS REGISTRATION 95876	AIR NEW SOURCE PERMITS REGISTRATION 95871
AIR NEW SOURCE PERMITS REGISTRATION 99257	AIR NEW SOURCE PERMITS REGISTRATION 99099
AIR NEW SOURCE PERMITS REGISTRATION 101881	AIR NEW SOURCE PERMITS REGISTRATION 101876
AIR NEW SOURCE PERMITS REGISTRATION 101883	AIR NEW SOURCE PERMITS REGISTRATION 104039
AIR NEW SOURCE PERMITS REGISTRATION 104080	AIR NEW SOURCE PERMITS REGISTRATION 103697
AIR NEW SOURCE PERMITS REGISTRATION 107613	AIR NEW SOURCE PERMITS REGISTRATION 107798
AIR NEW SOURCE PERMITS REGISTRATION 107611	AIR OPERATING PERMITS PERMIT 1350
AIR OPERATING PERMITS PERMIT 1868	AIR OPERATING PERMITS PERMIT 1897

AIR OPERATING PERMITS PERMIT 1996
AIR OPERATING PERMITS ACCOUNT NUMBER OCA002B
AIR OPERATING PERMITS PERMIT 1996
AIR OPERATING PERMITS PERMIT 1898
UNDERGROUND INJECTION CONTROL PERMIT WDW054
UNDERGROUND INJECTION CONTROL PERMIT WDW191
STORMWATER PERMIT TXR05R439

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50395
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 87432
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 87432

AIR OPERATING PERMITS PERMIT 1898
AIR OPERATING PERMITS PERMIT 1350
AIR OPERATING PERMITS PERMIT 1868
AIR OPERATING PERMITS PERMIT 2075
UNDERGROUND INJECTION CONTROL PERMIT WDW055
UNDERGROUND INJECTION CONTROL PERMIT WDW282
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
OCA002B
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000057752
POLLUTION PREVENTION PLANNING ID NUMBER
P06863

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

Date Compliance History Report Prepared: June 24, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 24, 2008 to June 24, 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:** 03/23/2009 **ADMINORDER 2008-1055-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter F 117.4045(c)
30 TAC Chapter 117, SubChapter F 117.4145(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)(iii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(A)
5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, 0.1 pound of hazardous air pollutant ("HAP") benzene was released from the Alkaline Waste Tank, emission point number ("EPN") PH3, 370 pounds ("lbs") of the HAP benzene were released from the Organic Sump Receiver, EPN PA39, and 1.7 lbs of the HAP benzene were released from the Secondary Overhead Decanter, EPN PH3, during an emissions event that occurred on March 6, 2008 and lasted 17 hours and five minutes. Since these emissions were avo

2

Effective Date: 04/20/2009 ADMINORDER 2008-1609-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)
Rqmt Prov:1302, Special Condition 2(3) PERMIT
1302, Special Condition 4B PERMIT
O-01897, Special Condition 12 OP
O-01897, Special Condition 1A OP
O-01897, Special Condition 20 OP

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

3 Effective Date: 06/18/2010 ADMINORDER 2009-0561-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(iii)
5C THSC Chapter 382 382.085(b)

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

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

4 Effective Date: 10/02/2011 ADMINORDER 2010-2078-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 13 OP

Description: Failure to comply with the volatile organic compound (VOC) maximum allowable emission rate listed in NSR Permit 1303 for the No. 1 Vent Stack.

5 **Effective Date: 05/25/2012 ADMINORDER 2011-1547-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)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:Special Condition 1 PERMIT
 Special Terms and Conditions No. 21 OP
 Description: Failed to prevent unauthorized emissions.
 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:Special Condition 1 PERMIT
 Special Condition 21 OP
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:General Terms and Conditions OP
 Description: Failed to submit an annual compliance certification ("ACC") within 30 days after the end of the certification period.

6 **Effective Date: 09/29/2012 ADMINORDER 2012-0260-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:and PSD-TX-1085, Special Condition 1 PERMIT
 General Condition OP
 Special Condition 21 OP
 Description: Failed to prevent unauthorized emissions during an event that occurred on July 3, 2011 through July 6, 2011 (Incident No. 156402). Specifically, the Respondent released 287.39 pounds of unauthorized hydrogen cyanide emissions from the Ammonia Flare [Emission Point No. ("EPN") PH70], the Start-up Flare (EPN PH2), and the Adiponitrile Operating Flare (EPN PH3) during the 74 hour 30 minute event.

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 12, 2008	(685946)
Item 2	August 25, 2008	(685636)
Item 3	September 06, 2008	(687106)
Item 4	November 17, 2008	(705683)
Item 5	November 19, 2008	(701258)
Item 6	February 17, 2009	(726685)
Item 7	March 18, 2009	(725018)
Item 8	April 20, 2009	(743000)
Item 9	May 04, 2009	(742511)
Item 10	June 17, 2009	(747181)
Item 11	June 23, 2009	(747126)
Item 12	July 08, 2009	(759188)
Item 13	July 29, 2009	(761422)

Item 14	August 25, 2009	(764556)
Item 15	August 26, 2009	(763106)
Item 16	August 31, 2009	(761631)
Item 17	September 24, 2009	(766142)
Item 18	November 09, 2009	(776819)
Item 19	December 23, 2009	(784258)
Item 20	January 27, 2010	(785422)
Item 21	April 21, 2010	(794056)
Item 22	April 22, 2010	(793938)
Item 23	May 21, 2010	(799217)
Item 24	May 25, 2010	(803719)
Item 25	June 10, 2010	(803280)
Item 26	June 22, 2010	(803721)
Item 27	June 25, 2010	(826236)
Item 28	July 08, 2010	(803514)
Item 29	November 03, 2010	(865889)
Item 30	November 05, 2010	(871717)
Item 31	January 11, 2011	(885786)
Item 32	April 06, 2011	(908537)
Item 33	April 15, 2011	(907007)
Item 34	April 20, 2011	(908975)
Item 35	May 16, 2011	(905650)
Item 36	May 25, 2011	(907734)
Item 37	June 06, 2011	(912053)
Item 38	June 10, 2011	(906643)
Item 39	June 23, 2011	(920556)
Item 40	June 24, 2011	(914147)
Item 41	July 01, 2011	(933313)
Item 42	July 15, 2011	(935035)
Item 43	July 21, 2011	(921231)
Item 44	September 23, 2011	(949241)
Item 45	October 13, 2011	(956755)
Item 46	November 17, 2011	(922282)
Item 47	December 16, 2011	(974607)
Item 48	January 03, 2012	(957900)
Item 49	January 17, 2012	(964970)
Item 50	February 20, 2012	(950499)
Item 51	February 29, 2012	(983530)
Item 52	March 26, 2012	(988647)
Item 53	March 27, 2012	(994604)
Item 54	April 16, 2012	(996766)
Item 55	April 24, 2012	(989909)
Item 56	April 25, 2012	(990028)
Item 57	May 24, 2012	(990336)
Item 58	May 25, 2012	(1006735)
Item 59	May 30, 2012	(993682)
Item 60	July 10, 2012	(1015876)
Item 61	July 17, 2012	(1020415)
Item 62	September 05, 2012	(1021551)
Item 63	October 13, 2012	(1028443)
Item 64	November 30, 2012	(1043763)
Item 65	December 05, 2012	(1042044)
Item 66	January 31, 2013	(1054649)
Item 67	February 19, 2013	(1057539)
Item 68	February 20, 2013	(1057418)
Item 69	February 21, 2013	(1058749)

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.

Date: 08/28/2012 (1014903)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP
Description: Failure to maintain loading inspection records as required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 12E PERMIT
NSR Permit 1302, Special Condition 4E PERMIT
Special Condition 1 OP
Special Condition 21 OP
Description: Failure to equip open-ended lines (OELs) with a second valve, a blind flange, or a tightly-fitting plug or cap.
EIC C,10 MIN 3,D

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
5C THSC Chapter 382 382.085(b)
General Condition 9C OP
General Terms and Conditions OP
NSR Permit 1302, Special Condition 3A PERMIT
Special Condition 21 OP
Description: Failure to maintain documentation of quarterly visual inspections required by 40 CFR 61, Subpart FF. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)
5C THSC Chapter 382 382.085
General Terms and Conditions OP
NSR Permit 1302, Special Condition 3A PERMIT
Special Condition 21 OP
Special Condition 8D OP
Description: Failure to include the proper notification with waste shipments regulated by 40 CFR Part 61, Subpart FF. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(c)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 3A PERMIT
Special Condition 21 OP
Special Condition 8M OP
Description: Failure to maintain documentation for offsite waste shipments regulated by 40 CFR Part 61, Subpart FF. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 3A PERMIT
Special Condition 21 OP
Description: Failure to maintain continuous records of the ADN Operating Flare pilot flame

monitoring. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 2F OP

Description: Failure to create a final record of non-reportable emissions events in a timely manner. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(iv)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR 1302, Special Condition 3A PERMIT
Special Condition 21 OP
Special Condition 8A OP

Description: Failure to maintain each opening of a fixed roof or closed-vent system in a closed, sealed position. EIC B19,G1 MOD 2,G

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 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP

Description: Failure to reduce the organic emissions vented to the Fume Abator (EPN PA39) by 95 weight percent. EIC B19,G1 MOD 2,D

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 OP
Special Terms and Conditions OP

Description: Failure to maintain continuous temperature records of the gas stream in the combustion zone of a thermal vapor incinerator. EIC C,3 MIN 3,C

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 20 OP
Special Terms and Conditions OP

Description: Failure to monitor opacity from the South Boiler (EPN PF40). EIC C,1 MIN 3A

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.108(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 21 PERMIT
NSR Permit 1302, Special Condition 4F PERMIT
Special Condition 21 OP

Description: Failure to monitor LDAR components in gas/vapor service on a quarterly basis. EIC B3 MIN 3,A

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)
30 TAC Chapter 115, SubChapter B 115.144(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 5A OP

Description: Failure to inspect components of a wastewater stream subject to 30 TAC Chapter 115, Subchapter B. EIC B3 MIN 3,A

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 9C PERMIT
Special Condition 1 OP

Description: Failure to have a smokeless flare.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 8 PERMIT
Special Condition 21 OP

Description: Failure to operate the VOC Absorber (EPN PT60) with 99 percent efficiency in recovery of carbon compounds. EIC B19,G1 MOD 2G

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 4F PERMIT
Special Condition 21 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(i)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 OP

Description: Failure to immediately and automatically cut off the hazardous waste feed to the North ADN Boiler upon malfunction of a CMS. EIC B19, G1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR Permit 1302, Special Condition 15B PERMIT
Special Condition 21 OP

Description: Failure to take corrective action when the 24-hour span drift exceeded two times the amount specified in 40 CFR 60, Appendix B, Performance Specification Number 2. EIC B19, G1MOD 2G

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 F 63.103(c)(2)(ii)
5C THSC Chapter 382 382.085(b)
General Terms and Condition OP
NSR 1302, Special Conditions 4A and 4B PERMIT
Special Condition 21 OP

Description: Failure to maintain records documenting that the procedures specified in the Start-up, Shutdown, and Malfunction Plan (SSMP) were followed. EIC B3 MOD 2B

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 61, SubChapter C, PT 61, SubPT FF 61.348(b)(2)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(b)(2)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR 1302, Special Condition 3A PERMIT
Special Condition 21 OP

Description: Failure to operate in accordance with a certified performance level. EIC B19,G1 MOD 2G

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
NSR 1302, Special Condition 9D PERMIT
Special Condition 21 OP

Description: Failure to operate the gas flow meter 95 percent of the time when the Operating Flare (EPN PH3) was operational. EIC B19,G1 MOD 2A

2 **Date: 09/18/2012 (1021107) CN602582231**

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: Failure to properly label a hazardous waste tank, K-1.

3 **Date: 06/06/2013 (1088675) CN602582231**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 8 OP
Special Condition 9 PERMIT

Description: Failure to maintain Continuous Monitoring System (CMS) records for Powerhouse Boilers 5 and 8.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 5 PERMIT
Special Condition 6 PERMIT
Special Condition 8 OP
Special Condition 8B PERMIT

Description: Failure to prevent waste feed flow to Powerhouse Boilers when operating outside required parameters.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(j)(3)(iii)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12E PERMIT
Special Condition 1A OP
Special Condition 3B PERMIT
Special Condition 8 OP
Special Condition 8B PERMIT

Description: Failure to maintain records of maximum diamine liquid feed rate during Powerhouse Boiler 8 operations.

F. Environmental audits:

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

No DOV Associated

Notice of Intent Date: 11/01/2012(1043269)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

**AGREED ORDER
DOCKET NO. 2013-1243-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 an organic chemical manufacturing plant located at 3055A Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The 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 September 2, 2012 and June 26, 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 Fifty-One Thousand Six Hundred Fifty Dollars (\$51,650) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty Thousand Six Hundred Sixty Dollars (\$20,660) of the administrative penalty and Ten Thousand Three Hundred

Thirty Dollars (\$10,330) 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. Twenty Thousand Six Hundred Sixty Dollars (\$20,660) 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. By September 30, 2012, developed a checklist to ensure that all pertinent and applicable information is included with the semi-annual deviation reports;
 - b. By December 31, 2012, revised procedures and conducted operator training to ensure compliance with the volatile organic compound ("VOC") control efficiency for the North and South Adiponitrile Boilers;
 - c. On October 30, 2013, obtained the Permit-By-Rule authorization to increase the annual emissions rate for the parts degreaser, Emissions Point Number ("EPN") PF900; and
 - d. By November 15, 2013, developed and implemented procedures for data acquisition, calculation, and record keeping for the Adipic Acid Manufacturing Unit storage tanks.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with the annual allowable emissions rate for the parts degreaser, EPN PF900, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Air Permit Nos. 1302 and PSDTX1085, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01897, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 19, 2012. Specifically, the parts degreaser has an annual VOC emissions rate of 0.01 ton per year ("tpy") and the Respondent reported emitting 0.0227 tpy of VOC during the 12-month period ending December 31, 2010, resulting in the exceedance of the emissions rate by 0.0127 ton.
2. Failed to comply with the VOC control efficiency for the North and South Adiponitrile Boilers, in violation of 30 TEX. ADMIN. CODE §§ 115.121(a)(2), 115.122(a)(2), and 122.143(4), FOP No. 01897, STC No 1. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 19, 2012. Specifically, the Respondent demonstrates VOC control efficiency by limiting the hourly rolling average concentration of CO to a maximum of 100 parts per million by volume ("ppmv") while waste gas is combusted in the boilers. Between May 18, 2010 and January 14, 2012, the Respondent reported 20 instances in which the hourly rolling average concentration of CO was greater than 100 parts ppmv while waste gas was being combusted in the North and South Adiponitrile Boilers.
3. Failed to include the required information in the deviation reports, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.144(4), and 122.146(5), FOP No. 01897, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 19, 2012. Specifically, the deviation report for reporting period from April 21, 2010 through October 20, 2010 did not include the applicable requirements for four deviations and the deviation reports for the reporting periods from October 21, 2010 through February 28, 2011, March 1, 2011 through August 31, 2011, and from September 1, 2011 through February 29, 2012 did not include the total number of times the deviation occurred for one deviation.
4. Failed to maintain an emissions record which includes calculated emissions of VOC from all storage tanks, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. 01868, GTC and STC No. 12, Air Permit 1790 SC No. 12F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 22, 2013. Specifically, the Respondent did not maintain an emissions record for any of the storage tanks in the Adipic Acid Manufacturing Unit.
5. Failed to maintain records of throughput for each month and for the year to date of the cyclohexane and methanol feedstock and all other storage tanks containing VOC that are listed on the Maximum Allowable Emission Rates Table, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. 01868, GTC and STC No. 12, Air Permit No. 1790 SC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 22, 2013.

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. 2013-1243-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, Twenty Thousand Six Hundred Sixty Dollars (\$20,660) 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

6/4/14

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

1/17/2014

Date

Paul B. Hughes

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

Director, Texas Core Intermediary

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: 2013-1243-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INVISTA S.a r.l.
Penalty Amount:	Forty-One Thousand Three Hundred Twenty Dollars (\$41,320)
SEP Offset Amount:	Twenty Thousand Six Hundred Sixty Dollars (\$20,660)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson 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 the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* 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 hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the

contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used 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 Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

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 **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

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:

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.