

Executive Summary – Enforcement Matter – Case No. 48268
INVISTA S.a r.l.
RN104392626
Docket No. 2014-0285-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

INVISTA SARL Sabine River Site, 3055A Farm-to-Market 1006, Orange, Orange County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2014-1065-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 12, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$99,938

Amount Deferred for Expedited Settlement: \$19,987

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$39,976

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$39,975

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 1, 2013

Date(s) of NOE(s): August 29, 2013

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RN104392626
Docket No. 2014-0285-AIR-E

Violation Information

1. Failed to maintain records of calculated total nitrogen oxides ("NOx") emissions from all emission sources for the previous calendar month and the previous consecutive 12-month period [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit ("FOP") No. O1897, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, Special Conditions ("SC") No. 22.E., and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to maintain an emissions record which includes calculated emissions of volatile organic compounds ("VOC") from all storage tanks during the previous calendar month and the past consecutive 12-month period. Specifically, emission records were not maintained for tanks in the Adiponitrile ("ADN") Unit for the period between June 1, 2012 and February 28, 2013 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), FOP No. O1897, GTC and STC Nos. 1.A. and 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 14.B., and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with permit representations for the maximum fill rates for multiple storage tanks in the ADN Unit. Specifically, between March 1, 2012 and February 14, 2013, there were 257 occasions where fill rates exceeded permit representations [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.116(a)(1), and 122.143(4), FOP No. O1897, GTC and STC No. 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to ensure all storage tanks are filled under submerged fill conditions. Specifically, storage tanks FT303, FT335, FT341, FT344, FT347, FT349, and FT355 in the ADN Unit were not being filled under submerged fill conditions [30 TEX. ADMIN. CODE §§ 101.20(3), 115.112(a)(1), 116.115(c), and 122.143(4), FOP No. O1897, GTC and STC No. 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 14.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to comply with minimum net heating value requirements. Specifically, the Hydrogen Cyanide ("HCN") Loading Flare, Emissions Point Number ("EPN") PH63, operated below the required minimum net heating value of 200 million British thermal units/standard cubic feet for a total of 1,104 hours between March 1, 2012 and September 30, 2012 [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 115.112(a)(3), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(3)(ii), FOP No. O1897, GTC and STC Nos. 1.A. and 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 9.A. and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On May 24, 2012, obtained a permit amendment for TCEQ Air Permit Nos. 1302 and PSDTX1085 to increase hourly throughput for several storage tanks in the ADN Unit;
- b. By September 30, 2012, re-set the nitrogen flow meter to read low flow at 1,268 standard cubic feet per hour ("scfh") so that flows below 3,000 scfh to the HCN Loading Flare, EPN PH63 could be read;
- c. By October 5, 2012, installed an overhauled vent on the water reuse tank to stop the vapor leaking through to the HCN Loading Flare, EPN PH63, and increased the natural gas flow to the flare;
- d. By October 31, 2013, updated the NOx emissions records for all emissions sources;
- e. By November 30, 2013, reviewed and revised standard operating conditions to ensure that storage tanks FT303, FT335, FT344, FT349, and FT355 are filled under submerged fill conditions;
- f. By December 31, 2013, implemented a plan to improve the current calculation system so that NOx data can be automatically retrieved when needed and added a monthly task to the Routine Duties Calendar to complete necessary NOx calculations
- g. By February 28, 2014, began maintaining an emission record which included calculated emissions of VOC from all storage tanks in the ADN Unit; and
- h. By February 28, 2014, installed fill rate calculation logic in the distributed control system to monitor actual fill rates for tanks in the ADN Unit and created once per shift alert reports which identify potential tank fill rate deviations from hourly throughput limits represented in the permit application for the ADN Unit in order to prevent violations of maximum fill rates.

Technical Requirements:

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

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- a. Within 30 days, implement procedures to ensure that tanks FT341 and FT347 are filled under submerged fill conditions; and
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision 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: David Carney, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2583; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Paul Hughes, Director of Texas Intermediates Operations, INVISTA S.a r.l., P.O. Box 1003, Orange, Texas 77631
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0285-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INVISTA S.a r.l.
Penalty Amount:	Seventy-Nine Thousand Nine Hundred Fifty-One Dollars (\$79,951)
SEP Offset Amount:	Thirty-Nine Thousand Nine Hundred Seventy-Five Dollars (\$39,975)
Type of SEP:	Contribution to a Third-Party Pre-Approved 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 the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party 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

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

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.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The 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

The 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, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The 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, the 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. The 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 the 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 the Respondent failed to fully implement and complete the Project, the 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, the 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 the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

The SEP 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 the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	3-Sep-2013	Screening	10-Sep-2013	EPA Due	26-May-2014
	PCW	22-Jul-2014				

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.	48268	No. of Violations	5
Docket No.	2014-0285-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	David Carney
		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** **\$52,500**

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** **\$52,500**

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

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** **-\$5,062**

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

Total EB Amounts \$5,538
 Approx. Cost of Compliance \$62,850
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$99,938**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount **\$99,938**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$99,938**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$19,987**

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 **\$79,951**

Screening Date 10-Sep-2013

Docket No. 2014-0285-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 48268

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator David Carney

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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>)	4	-4%
	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>)	1	-2%

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) 124%

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 124%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 10-Sep-2013

Docket No. 2014-0285-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 48268

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit ("FOP") No. O1897, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, Special Conditions ("SC") No. 22.E., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records of calculated total nitrogen oxides ("NOx") emissions from all emission sources for the previous calendar month and the previous consecutive 12-month period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 364

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.

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 came into compliance on December 31, 2013, after the Notice of Enforcement ("NOE") dated August 29, 2013.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$115

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. 48268
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	1-Mar-2012	31-Oct-2013	1.67	\$42	n/a	\$42
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)	\$800	1-Mar-2012	31-Dec-2013	1.84	\$73	n/a	\$73

Notes for DELAYED costs

Estimated cost to update NOx emissions records (completed October 31, 2013) and to implement a plan to improve the current calculation system so that data can be readily retrieved (completed December 31, 2013). The Date Required is the initial date of non-compliance and the Final Dates are the compliance dates.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,300

TOTAL

\$115

Screening Date 10-Sep-2013

Docket No. 2014-0285-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 48268

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), FOP No. 01897, GTC and STC Nos. 1.A. and 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 14.B., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain an emissions record which includes calculated emissions of volatile organic compounds ("VOC") from all storage tanks during the previous calendar month and the past consecutive 12-month period. Specifically, emission records were not maintained for tanks in the Adiponitrile ("ADN") Unit for the period between June 1, 2012 and February 28, 2013.

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% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

272 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$375

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

Notes

The Respondent came into compliance on February 28, 2014, after the NOE dated August 29, 2013.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$436

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. 48268
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)	\$5,000	1-Jun-2012	28-Feb-2014	1.75	\$436	n/a	\$436

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that an emission record which includes calculated emissions of VOC from all storage tanks in the ADN Unit is maintained. The Date Required is the first date of the initial non-compliance and the Final Date is the compliance date.

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

\$436

Screening Date 10-Sep-2013
 Respondent INVISTA S.a r.l.
 Case ID No. 48268

Docket No. 2014-0285-AIR-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.116(a)(1), and 122.143(4), FOP No. O1897, GTC and STC No. 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permit representations for the maximum fill rates for multiple storage tanks in the ADN Unit. Specifically, between March 1, 2012 and February 14, 2013, there were 257 occasions where fill rates exceeded permit representations.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

350 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the period of non-compliance from March 1, 2012 to February 14, 2013.

Good Faith Efforts to Comply

10.0% Reduction

\$1,500

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

Notes

The Respondent came into compliance on February 28, 2014, after the NOE dated August 29, 2013.

Violation Subtotal \$13,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,893

Violation Final Penalty Total \$28,500

This violation Final Assessed Penalty (adjusted for limits) \$28,500

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 48268
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$1,250	1-Mar-2012	24-May-2012	0.23	\$14	n/a	\$14
Other (as needed)	\$48,850	1-Mar-2012	28-Feb-2014	2.00	\$4,878	n/a	\$4,878

Notes for DELAYED costs

Estimated cost to obtain an amendment for TCEQ Air Permit Nos. 1302 and PSDTX1085 (completed May 24, 2012) and to install fill rate logic in the distributed control system to monitor actual tank fill rates and to create alert reports to identify tank fill rate deviations in order to prevent violations of maximum fill rates (both completed by February 28, 2014). The Date Required is the first date of the initial non-compliance and the Final Dates are the compliance dates.

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

\$50,100

TOTAL

\$4,893

Screening Date 10-Sep-2013

Docket No. 2014-0285-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 48268

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.116(a), and 122.143(4), FOP No. O1897, GTC and STC No. 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permit representations. Specifically, the Respondent represented that Storage Tanks FT303, FT335, FT341, FT344, FT347, FT349, and FT355 in the ADN Unit are equipped with permanent submerged fill pipes but reported a deviation beginning on September 1, 2012 stating that the tanks were not being filled under submerged fill conditions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 5

374 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$18,750

Five quarterly events are recommended from the September 1, 2012 initial date of non-compliance to the September 10, 2013 screening date.

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 \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$37,500

This violation Final Assessed Penalty (adjusted for limits) \$37,500

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 48268
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,500	1-Sep-2012	10-Dec-2014	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to revise procedures for operations to ensure that filling activities are performed under submerged conditions. The Date Required is the initial date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$0

Screening Date 10-Sep-2013

Docket No. 2014-0285-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 3 (September 2011)

Case ID No. 48268

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and (3), 115.112(a)(3), 116.115(c), and 122.143(4), 40 Code of Federal Regulations § 60.18(c)(3)(ii), FOP No. O1897, GTC and STC Nos. 1.A. and 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 9.A., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with minimum net heating value requirements. Specifically, the Hydrogen Cyanide ("HCN") Loading Flare, Emissions Point Number PH63, operated below the required minimum net heating value of 200 million British thermal units per standard cubic foot for a total of 1,104 hours between March 1, 2012 and September 30, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 213 Number of violation days

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

Violation Base Penalty \$11,250

Three quarterly events are recommended for the period of non-compliance from March 1, 2012 to September 30, 2012.

Good Faith Efforts to Comply

25.0% Reduction

\$2,812

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

Notes

The Respondent came into compliance on October 5, 2012, before the NOE dated August 29, 2013.

Violation Subtotal \$8,438

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$94

Violation Final Penalty Total \$19,688

This violation Final Assessed Penalty (adjusted for limits) \$19,688

Economic Benefit Worksheet

Respondent INVISTA S.a r.l.
Case ID No. 48268
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$500	1-Mar-2012	30-Sep-2012	0.58	\$1	\$19	\$20
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)	\$2,450	1-Mar-2012	5-Oct-2012	0.60	\$73	n/a	\$73

Notes for DELAYED costs

Estimated cost to re-set the nitrogen flow meter to read at 1,268 standard cubic feet per hour (completed September 30, 2012) and to install an overhauled vent on the water reuse tank to stop the vapor leaking through to the HCN Loading Flare and increase the natural gas flow to the flare (both completed by October 5, 2012). The Date Required is the first date of the initial non-compliance and the Final Dates are the compliance dates.

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

\$2,950

TOTAL

\$94



Compliance History Report

PUBLISHED Compliance History Report for CN602582231, RN104392626, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN602582231, INVISTA S.a r.l.	Classification:	SATISFACTORY	Rating:	6.01
Regulated Entity:	RN104392626, INVISTA SARL Sabine River Site	Classification:	SATISFACTORY	Rating:	9.34
Complexity Points:	38	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	3055A FARM-TO-MARKET ROAD 1006, ORANGE, TEXAS 77630-8045, ORANGE COUNTY				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

- | | |
|---|---|
| <ul style="list-style-type: none"> AIR NEW SOURCE PERMITS AFS NUM 4836100244 AIR NEW SOURCE PERMITS REGISTRATION 76134 AIR NEW SOURCE PERMITS REGISTRATION 75994 AIR NEW SOURCE PERMITS REGISTRATION 33081 AIR NEW SOURCE PERMITS REGISTRATION 40371 AIR NEW SOURCE PERMITS REGISTRATION 38402 AIR NEW SOURCE PERMITS REGISTRATION 52687 AIR NEW SOURCE PERMITS REGISTRATION 45950 AIR NEW SOURCE PERMITS REGISTRATION 44206 AIR NEW SOURCE PERMITS REGISTRATION 43816 AIR NEW SOURCE PERMITS REGISTRATION 56241 AIR NEW SOURCE PERMITS REGISTRATION 36731 AIR NEW SOURCE PERMITS REGISTRATION 51530 AIR NEW SOURCE PERMITS REGISTRATION 51509 AIR NEW SOURCE PERMITS REGISTRATION 55029 AIR NEW SOURCE PERMITS PERMIT 1303 AIR NEW SOURCE PERMITS PERMIT 1790 AIR NEW SOURCE PERMITS REGISTRATION 78657 AIR NEW SOURCE PERMITS REGISTRATION 78882 AIR NEW SOURCE PERMITS REGISTRATION 80427 AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1085 AIR NEW SOURCE PERMITS REGISTRATION 81967 AIR NEW SOURCE PERMITS REGISTRATION 81949 AIR NEW SOURCE PERMITS REGISTRATION 82405 AIR NEW SOURCE PERMITS REGISTRATION 82438 AIR NEW SOURCE PERMITS REGISTRATION 85930 AIR NEW SOURCE PERMITS REGISTRATION 91455 AIR NEW SOURCE PERMITS REGISTRATION 92371 AIR NEW SOURCE PERMITS REGISTRATION 92704 AIR NEW SOURCE PERMITS REGISTRATION 95876 AIR NEW SOURCE PERMITS REGISTRATION 99257 AIR NEW SOURCE PERMITS REGISTRATION 101881 AIR NEW SOURCE PERMITS REGISTRATION 101883 AIR NEW SOURCE PERMITS REGISTRATION 104080 AIR NEW SOURCE PERMITS REGISTRATION 114655 AIR NEW SOURCE PERMITS REGISTRATION 107613 AIR NEW SOURCE PERMITS REGISTRATION 113841 AIR NEW SOURCE PERMITS REGISTRATION 116059 AIR NEW SOURCE PERMITS REGISTRATION 107611 AIR NEW SOURCE PERMITS REGISTRATION 117335 AIR NEW SOURCE PERMITS REGISTRATION 113354 | <ul style="list-style-type: none"> AIR NEW SOURCE PERMITS REGISTRATION 76385 AIR NEW SOURCE PERMITS PERMIT 1387 AIR NEW SOURCE PERMITS PERMIT 1302 AIR NEW SOURCE PERMITS REGISTRATION 43815 AIR NEW SOURCE PERMITS REGISTRATION 38853 AIR NEW SOURCE PERMITS REGISTRATION 37818 AIR NEW SOURCE PERMITS REGISTRATION 43041 AIR NEW SOURCE PERMITS REGISTRATION 44499 AIR NEW SOURCE PERMITS REGISTRATION 42060 AIR NEW SOURCE PERMITS REGISTRATION 53853 AIR NEW SOURCE PERMITS REGISTRATION 50464 AIR NEW SOURCE PERMITS REGISTRATION 35863 AIR NEW SOURCE PERMITS REGISTRATION 51405 AIR NEW SOURCE PERMITS REGISTRATION 71720 AIR NEW SOURCE PERMITS REGISTRATION 54974 AIR NEW SOURCE PERMITS PERMIT 9468 AIR NEW SOURCE PERMITS REGISTRATION 76879 AIR NEW SOURCE PERMITS REGISTRATION 79303 AIR NEW SOURCE PERMITS REGISTRATION 80152 AIR NEW SOURCE PERMITS REGISTRATION 79898 AIR NEW SOURCE PERMITS REGISTRATION 81904 AIR NEW SOURCE PERMITS REGISTRATION 81976 AIR NEW SOURCE PERMITS REGISTRATION 82408 AIR NEW SOURCE PERMITS REGISTRATION 83014 AIR NEW SOURCE PERMITS REGISTRATION 83021 AIR NEW SOURCE PERMITS REGISTRATION 86674 AIR NEW SOURCE PERMITS REGISTRATION 92531 AIR NEW SOURCE PERMITS REGISTRATION 92530 AIR NEW SOURCE PERMITS ACCOUNT NUMBER OCA002B AIR NEW SOURCE PERMITS REGISTRATION 95871 AIR NEW SOURCE PERMITS REGISTRATION 99099 AIR NEW SOURCE PERMITS REGISTRATION 101876 AIR NEW SOURCE PERMITS REGISTRATION 104039 AIR NEW SOURCE PERMITS REGISTRATION 103697 AIR NEW SOURCE PERMITS REGISTRATION 113384 AIR NEW SOURCE PERMITS REGISTRATION 107798 AIR NEW SOURCE PERMITS REGISTRATION 117338 AIR NEW SOURCE PERMITS REGISTRATION 112078 AIR NEW SOURCE PERMITS REGISTRATION 112262 AIR NEW SOURCE PERMITS REGISTRATION 112681 AIR OPERATING PERMITS PERMIT 1868 |
|---|---|

AIR OPERATING PERMITS PERMIT 1897
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

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

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: May 22, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 22, 2009 to May 22, 2014

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

Name: David Carney **Phone:** (512) 239-2583

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 06/18/2010 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

Published Compliance History Report for CN602582231, RN104392626, Rating Year 2013 which includes Compliance History (CH) components from May 22, 2009, through May 22, 2014.

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.

- 2 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.
- 3 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.
- 4 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.

5 Effective Date: 01/24/2014 ADMINORDER 2012-0968-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.122(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(B)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GC OP
SC1 OP
SC5B OP

Description: Failed to comply with operating limits established during a performance test.

Classification: Minor

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

Rqmt Prov: and PSD-TX-1085, Special Condition 1 PERMIT
General Condition OP
Special Terms & Conditions No. 20 OP

Description: Failed to prevent unauthorized emissions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 17, 2009	(747181)
Item 2	June 23, 2009	(747126)
Item 3	July 08, 2009	(759188)
Item 4	July 29, 2009	(761422)
Item 5	August 25, 2009	(764556)
Item 6	August 26, 2009	(763106)
Item 7	August 31, 2009	(761631)
Item 8	September 24, 2009	(766142)
Item 9	November 09, 2009	(776819)
Item 10	December 23, 2009	(784258)
Item 11	January 27, 2010	(785422)
Item 12	April 21, 2010	(794056)
Item 13	April 22, 2010	(793938)
Item 14	May 21, 2010	(799217)
Item 15	May 25, 2010	(803719)
Item 16	June 10, 2010	(803280)
Item 17	June 22, 2010	(803721)
Item 18	June 25, 2010	(826236)
Item 19	July 08, 2010	(803514)
Item 20	November 03, 2010	(865889)
Item 21	November 05, 2010	(871717)
Item 22	January 11, 2011	(885786)
Item 23	April 06, 2011	(908537)
Item 24	April 15, 2011	(907007)
Item 25	April 20, 2011	(908975)
Item 26	May 16, 2011	(905650)
Item 27	May 25, 2011	(907734)
Item 28	June 06, 2011	(912053)
Item 29	June 10, 2011	(906643)
Item 30	June 23, 2011	(920556)

Item 31	June 24, 2011	(914147)
Item 32	July 01, 2011	(933313)
Item 33	July 15, 2011	(935035)
Item 34	July 21, 2011	(921231)
Item 35	September 23, 2011	(949241)
Item 36	October 13, 2011	(956755)
Item 37	November 17, 2011	(922282)
Item 38	December 16, 2011	(974607)
Item 39	January 03, 2012	(957900)
Item 40	January 17, 2012	(964970)
Item 41	February 20, 2012	(950499)
Item 42	February 29, 2012	(983530)
Item 43	March 26, 2012	(988647)
Item 44	March 27, 2012	(994604)
Item 45	April 16, 2012	(996766)
Item 46	April 24, 2012	(989909)
Item 47	April 25, 2012	(990028)
Item 48	May 24, 2012	(990336)
Item 49	May 25, 2012	(1006735)
Item 50	May 30, 2012	(993682)
Item 51	July 10, 2012	(1015876)
Item 52	July 17, 2012	(1020415)
Item 53	September 05, 2012	(1021551)
Item 54	October 13, 2012	(1028443)
Item 55	November 30, 2012	(1043763)
Item 56	December 05, 2012	(1042044)
Item 57	January 31, 2013	(1054649)
Item 58	February 19, 2013	(1057539)
Item 59	February 20, 2013	(1057418)
Item 60	February 21, 2013	(1058749)
Item 61	June 20, 2013	(1099575)
Item 62	July 29, 2013	(1103660)
Item 63	October 30, 2013	(1124739)
Item 64	November 26, 2013	(1133146)
Item 65	December 27, 2013	(1135124)
Item 66	February 04, 2014	(1140295)
Item 67	February 19, 2014	(1146564)
Item 68	March 17, 2014	(1151056)
Item 69	April 11, 2014	(1146979)
Item 70	April 30, 2014	(1164388)
Item 71	May 16, 2014	(1165242)

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

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

1	Date:	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 63.1209(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.

2

Date: 06/21/2013 (1087645) CN602582231
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 15E(1) PERMIT
 Special Condition 1A OP

Description: Failure to maintain a sealing device on an open ended line.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 15K PERMIT
 Special Condition 1A OP

Description: Failure to identify, monitor, and keep records on valves in VOC service.
 Self Report? NO Classification: Moderate

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

Description: Failure to perform daily visible emissions observations.
 Self Report? NO Classification: Moderate

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

Description: Failure to report deviations in a timely manner.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to accurately certify compliance with the terms and conditions of permit FOP O-01868.

Self Report? NO Classification: Minor

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

Description: Failure to maintain minimum natural gas flow to ammonia flare during waste gas stream flow.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP

Description: Failure to perform visual inspection during VOC transfer.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 11B(1) PERMIT
 Special Condition 12 OP
 Special Condition 1A OP
 Special Condition 6E OP

Description: Failure to assure that the Number 4 Nitric Acid Unit CEMS meets the applicable quality-assurance requirements as specified in 40 CFR Part 60, Appendix F.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 11F PERMIT
 Special Condition 12 OP

Description: Failure to estimate measurements missed during periods when valid data was lost.

3 Date: 08/29/2013 (1110190) CN602582231

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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
 PSDTX1085, Special Condition 4F PERMIT
 Special Condition 1A OP
 Special Condition 21 OP

Description: Failure to maintain Continuous Monitoring System (CMS) records for Adiponitrile (ADN) North and South Boilers.

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.

Self Report? NO Classification: Minor

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

Description: Failure to document the inspection of Volatile Organic Compounds (VOC) truck loading operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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
 PSDTX1085, Special Condition 12E PERMIT
 PSDTX1085, Special Condition 4C PERMIT
 PSDTX1085, Special Condition 4E PERMIT
 Special Condition 1A 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.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSDTX1085, Special Condition 21 PERMIT
 PSDTX1085, Special Condition 22 PERMIT
 PSDTX1085, Special Condition 23 PERMIT
 PSDTX1085, Special Condition 24 PERMIT
 PSDTX1085, Special Condition 26D PERMIT
 Special Condition 21 OP
 Description: Failure to maintain complete records of Maintenance, Startup and Shutdown (MSS) activities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSDTX1085, Special Condition 12F PERMIT
 PSDTX1085, Special Condition 15F PERMIT
 Special Condition 21 OP

Description: Failure to simultaneously monitor the repair of a component in the Intensive Directed Maintenance 28MID Program.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.144(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP
 Special Condition 5 OP

Description: Failure to inspect components of a wastewater stream subject to 30 TAC Chapter 115, Subchapter B.

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)
 General Terms and Conditions OP
 Special Condition 1A OP

Description: Failure to maintain continuous temperature records of the gas stream in the combustion zone of a thermal vapor oxidizer.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSDTX1085, Special Condition 23(A)(1) PERMIT
 PSDTX1085, Special Condition 23C PERMIT
 Special Condition 21 OP

Description: Failure to measure air contaminant concentration involving MSS activities using an instrument/detector meeting the requirements as stated in NSR Permit 1302 SC 23.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSDTX1085, Special Condition 9D PERMIT
 Special Condition 21 OP

Description: Failure to record calibration data for the hydrogen and British Thermal Units (Btu) analyzers on the ADN Operating Flare (EPN PH3).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSDTX1085, Special Condition 9B PERMIT
 Special Condition 21 OP

Description: Failure to operate a flare with a flame present at all times and/ or have a constant pilot flame.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 11 PERMIT
Special Condition 21 OP
Description: Failure to calibrate cooling tower monitoring equipment in accordance with Appendix P of TCEQ's Sampling Procedure Manual.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
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 Conditions OP
PSDTX1085, Special Condition 4A PERMIT
PSDTX1085, Special Condition 4B PERMIT
Special Condition 1A OP
Special Condition 21 OP
Description: Failure to maintain recordkeeping that confirms conformance with the Start-up, Shutdown, and Malfunction Plan (SSMP) for the event.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(2)(i)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 4F PERMIT
Special Condition 1A OP
Special Condition 21 OP
Description: Failure to verify ADN South Boiler thermocouples calibration within a year.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter E 113.3050
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 65.103(a)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.103(b)(1)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.106(b)
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
PSDTX1085, Special Condition 15 PERMIT
PSDTX1085, Special Condition 4C PERMIT
Special Condition 1A OP
Special Condition 21 OP
Description: Failure to identify and monitor components in VOC service.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
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(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 3A PERMIT
Special Condition 10C OP
Special Condition 1A OP
Special Condition 21 OP
Special Condition 9A OP
Special Condition 9D OP
Special Condition 9M OP
Description: Failure to maintain documentation for waste shipments as required by 40 CFR 61, Subpart FF.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 27 OP
Special Condition 2F PERMIT
Description: Failure to maintain Oxides of Nitrogen (NOx) below the required pounds/million British Thermal Units (lbs/MMBtu) while operating the ADN North Boiler.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 30C(2) PERMIT
PSDTX1085, Special Condition 30C(5) PERMIT
Special Condition 21 OP
Description: Failure to maintain monitoring records on carbon canister use in the Carbon Adsorption Systems (CAS).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Description: Failure to perform a daily visible emissions observation on a flare.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(b)(7)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 2F PERMIT
Special Condition 1A OP
Special Condition 21 OP
Description: Failure to perform visible emissions observation on the ADN North Boiler.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 25 OP
Special Condition 32 OP
Description: Failure to adhere to Compliance Schedule requirements as stated in FOP O-01897 regarding vapor pressure determination at loading racks.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Description: Failure to demonstrate compliance with the VOC control efficiency required by 30 TAC 115.122(a)(2) for the North and South ADN Boilers.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.890
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2470(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 4D PERMIT
Special Condition 1A OP
Special Condition 21 OP
Description: Failure to maintain compliance with Miscellaneous Organic Chemical Manufacturing standards for the Hydrogen Chloride (HCl) storage tanks.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSDTX1085, Special Condition 1 PERMIT
 Special Condition 21 OP

Description: Failure to maintain an emission rate below the allowable emission limit.
 Self Report? NO Classification: Moderate

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

Description: Failure to report deviations in a timely manner.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to accurately certify compliance with the terms and conditions of permit FOP O-01897.

4

Date: 08/29/2013 (1103230) CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter A 115.10(5)
 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
 30 TAC Chapter 115, SubChapter B 115.122(a)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
 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 61.349(a)(1)(ii)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(B)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1A OP
 Special Condition 5 PERMIT
 Special Condition 7C OP
 Special Condition 8 OP

Description: Failure to properly control emissions from waste streams in the LPDOG closed-vent system routed from the Hexamethylene Diamine (HMD) Unit to the Powerhouse Boilers.

Self Report? NO Classification: Minor

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

Description: Failure to document the inspection of VOC truck loading operations.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 13 OP
 Special Condition 1A OP
 Special Condition 8E PERMIT

Description: Failure to maintain a sealing device on an open-ended line.
 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 Condition 7 PERMIT
 General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 13 OP

Description: Failure to evaluate emissions data sufficiently to demonstrate compliance with the permit.
 Self Report? NO Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 13 OP

Description: Failure to maintain an emission rate below the allowable emission limit.
 Self Report? NO Classification: Moderate

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

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to accurately certify compliance with the terms and conditions of permit FOP
 O-01996. EIC B3 MOD 2B

5 Date: 05/16/2014 (1158908) CN602582231

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 15E(1) PERMIT
 Special Condition 1A OP

Description: Failure to maintain a sealing device on an open ended line.
 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.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 15F PERMIT
 Special Condition 1A OP

Description: Failure to identify and monitor valves in VOC service.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 21C PERMIT
 Special Condition 21D PERMIT

Description: Failure to operate the No. 1 Dryer Dust Scrubber below the required minimum
 circulation flow rate to achieve the required 99% removal efficiency for Particulate
 Matter (PM).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 19D PERMIT

Description: Failure to document the performance of monthly visual, audible, and/or olfactory
 inspection of the No. 1 and No. 2 Dryer Dust Scrubbers.

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 PERMIT
 Special Condition 12 OP
 Special Condition 20D PERMIT

Description: Failure to maintain records of a minimum constant flow of 1050 SFCM of supplemental natural gas to the ammonia flare a waste gas stream was flowing to the flare.

Self Report? NO Classification: Minor

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

Description: Failure to perform visual inspections during VOC transfer.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 25C PERMIT

Description: Failure to measure air contaminant concentration involving Maintenance, Startup, Shutdown (MSS) activities using an instrument/detector meeting the requirements as stated in NSR Permit 1790 SC 25.

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 Condition 1 PERMIT
 General Terms and Conditions OP
 Special Condition 12 OP
 SPECIAL CONDITION 22 PERMIT

Description: Failure to comply with permit representations for MSS activities. 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)
 5C THSC Chapter 382 382.085(b)
 General Condition 1 PERMIT
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 14 PERMIT

Description: Failure to comply with permitted representations regarding maximum throughput on three storage tanks in the Adipic Acid manufacturing unit.

Self Report? NO Classification: Moderate

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

Description: Failure to report deviations in a timely manner.

F. Environmental audits:

Notice of Intent Date: 09/08/2010 (1105605)

No DOV Associated

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

Disclosure Date: 12/15/2010

Viol. Classification: Minor

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

Description: Failed to have the AWFCO syste programmed to cutoff the hazardous waste feed(s) when the span of a CMS detector is exceeded.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(viii)

Description: Failed to prevent the line for flow meter #4964 for waste gas flow to the north boiler from being plugged. Also, malfunction of the gas flow meter was not addressed in the SS & M plan and the plan was not updated to address such a malfunction. In addition, an updated SS & M plan was not done per the startup/shutdown/ and malfunction report to address a malfunction on 5/21/10 when the liquid waste flow meter malfunctioned.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)
Description: Failed to develop operation, maintenance, and inspection procedures to satisfy the MACT EEE requirements and they are not incorporated or described in the O & M plan.
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(2)
Description: Failed to have AWFCO's programmed into the DCS for the minimum atomizing media differential pressure.
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)
Description: Failed to include required information from the semi annual reports submitted on 7/30/10 & 4/15/10, and failed to include Viol. No. 2 in this disclosure during the reporting period 1/1/10 - 6/30/10
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)
Description: Failed to submit an excess emission and continuous monitoring system performance report since the downtime was greater than 5% for the North Boiler. It was 7.14%.
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)
Description: Failed to send a follow-up letter detailing a malfunction regarding an emergency shutdown of the North Boiler due to leaks shortly after 6/2/2010, and failed to include the event in the semi annual report due 7/30/10.
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(d)(2)(i)
Description: Failed to address procedures for other CMS devices in Section 5.0 of the HWC MACT Continuous Monitoring System Performance Evaluation Plan which is in Table 5-1.
Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 1
Description: Exceeded the permitted allowable emissions for the MDEA storage tank (FIN FN 301) according to the spreadsheet for the RY 2009 EIQ as it was listed as 80,000 gal/yr of throughput and the allowable limit is less than 0.01 tpy.
Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10
Description: Failed to estimate the ozone tank emissions correctly as they were estimated only on 1/12 of the annual throughput during the month of June 2009 rather than the actual throughput during June, July and August.
Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.144
Description: Failed to inspect the process drains and hotwells monthly for the Ch. 115 Ind. Wastewater program. They are inspected quarterly.
Viol. Classification: Minor

Citation: 40 CFR Part 63, Subpart GGGGG 63.7950(c)
40 CFR Part 63, Subpart GGGGG 63.7950(e)
Description: Failed to submit an Initial Notification or maintain records demonstrating exemption from Subpart GGGGG as the site may conduct site remediation in the form of soil removal projects.
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147(b)(8)
Description: Failed to correctly evaluate aqueous stream for applicability to the HON.
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104
Description: Failed to use the appropriate EPA method for analyzing cooling water for benzene.
Viol. Classification: Minor

Citation: 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.166(k)
40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.166(n)(3)
Description: Failed to have required records for regulated refrigerants that are added to the INVISTA appliances, also service records are missing or incomplete.
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6585
Description: Failed to evaluate at least 9 diesel fired stationary, non-emergency RICE currently on site with a rated capacity of less than 500mp for applicability to the RICE MART requirements.
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485(a)
Description: Failed to correctly evaluate the stream from SR-P-022 Bldg. 3068 - Waste Organics for applicability to the MON wastewater provisions (including verification that the stream is a wastewater).
Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(d)(2)
Description: There was a gap in implementation of Section 6.3.6. of the Appendix referenced in 40 CFR 63.1209(d)(2).
Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: For sitewide turnaround activities, the plant has evaluated, but not documented compliance with the applicable requirements of 30 TAC 106.263 (routine maintenance, start-up and shutdown of facilities, and temporary maintenance facilities).

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: The training program dated 10/09 specifies that the annual refresher training will address each of the topics required by the regulations, but the actual materials do not address the topic of "operating problems encountered by the operator".

Viol. Classification: Minor

Citation: 40 CFR Chapter 372, SubChapter J, PT 372, SubPT A 372.10

Description: The site has not completed reporting threshold determinations for all TRI chemicals that are manufactured, processed or otherwise used.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)

Description: Failed to include detail in the specifications of the potable water system piping regarding the system components.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(a)(2)

Description: Contractors that handle hazardous waste receive RCRA general training but this does not cover the elements of the facility hazardous waste contingency plan, Also the training document does not describe the roles specific to the plan for various employees, and does not provide any detail as to the procedures covered by the contingency plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.13(b)(2)

Description: Failed to identify the specific methods for each parameter in the waste analysis plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(c)

40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104

Description: Failed to calculate the feed rate of Barium within the DCS and an AWFCO is not programmed within the DCS.

Viol. Classification: Minor

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

Description: Failed to accurately program the AWFCO limit into the DCS.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13

Description: Failed to have PBR required records for blasting and painting maintenance activities.

Viol. Classification: Minor

Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.7

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.10

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

30 TAC Chapter 331, SubChapter D 331.67

30 TAC Chapter 335, SubChapter B 335.41(f)

Description: Failed to maintain corrosion monitoring results for Permits WDW191 and WDW282.

Viol. Classification: Minor

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

Description: Failed to accurately program the AWFCO limit into the DCS.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13

Description: Failed to accurately record the calibration error criteria in the Continuous Monitoring System Performance Evaluation Plan (recorded 0.5 percent of span, i.e. 1.25%, for the oxygen CEMS instead of 0.5% oxygen).

Viol. Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.67

Description: Failed to maintain the corrosion monitoring results for Permits WDW191 & WDW282.

Disclosure Date: 06/23/2011

Viol. Classification: Minor

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

Description: Failed to have the AWFCO system programmed to cutoff the hazardous waste feed(s) when the span of a CMS detector is exceeded.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(viii)

Description: Failed to prevent the line for flow meter #4964 for waste gas flow to the north boiler from being plugged. Also, malfunction of the gas flow meter was not addressed in the SS & M plan and the plan was not updated to address such a malfunction. In addition, an updated SS & M plan was not done per the startup/shutdown/ and malfunction report to address a malfunction on 5/21/10 when the liquid waste flow meter malfunctioned.

Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)
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Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(2)
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Description: Failed to correctly evaluate aqueous stream for applicability to the HON.

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Description: Failed to evaluate at least 9 diesel fired stationary, non-emergency RICE currently on site with a rated capacity of less than 500mp for applicability to the RICE MART requirements.

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 Description: Failed to identify the specific methods for each parameter in the waste analysis plan.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(c)
 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104
 Description: Failed to calculate the feed rate of Barium within the DCS and an AWFCO is not programmed within the DCS.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(i)(A)
 Description: Failed to accurately program the AWFCO limit into the DCS.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter A 106.8
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
 Description: Failed to have PBR required records for blasting and painting maintenance activities.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.7
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.10
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 30 TAC Chapter 331, SubChapter D 331.67
 30 TAC Chapter 335, SubChapter B 335.41(f)
 Description: Failed to maintain corrosion monitoring results for Permits WDW191 and WDW282.

Notice of Intent Date: 11/01/2012 (1043269)
 No DOV Associated

Notice of Intent Date: 07/22/2013 (1115847)
 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. 2014-0285-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 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 3, 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 Ninety-Nine Thousand Nine Hundred Thirty-Eight Dollars (\$99,938) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Nine Thousand Nine Hundred Seventy-Six Dollars (\$39,976) of the administrative penalty

and Nineteen Thousand Nine Hundred Eighty-Seven Dollars (\$19,987) 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. Thirty-Nine Thousand Nine Hundred Seventy-Five Dollars (\$39,975) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On May 24, 2012, obtained a permit amendment for TCEQ Air Permit Nos. 1302 and PSDTX1085 to increase hourly throughput for several storage tanks in the Adiponitrile ("ADN") Unit;
 - b. By September 30, 2012, re-set the nitrogen flow meter to read low flow at 1,268 standard cubic feet per hour ("scfh") so that flows below 3,000 scfh to the Hydrogen Cyanide ("HCN") Loading Flare, Emissions Point Number ("EPN") PH63 could be read;
 - c. By October 5, 2012, installed an overhauled vent on the water reuse tank to stop the vapor leaking through to the HCN Loading Flare, EPN PH63, and increased the natural gas flow to the flare to comply with the minimum net heating value of 200 million British Thermal units per standard cubic foot ("MMBtu/scf");
 - d. By October 31, 2013, updated the nitrogen oxides ("NOx") emissions records for all emissions sources;
 - e. By November 30, 2013, reviewed and revised standard operating conditions to ensure that storage tanks FT303, FT335, FT344, FT349, and FT355 are filled under submerged fill conditions;
 - f. By December 31, 2013, implemented a plan to improve the current calculation system so that NOx data can be automatically retrieved when needed and added a monthly task to the Routine Duties Calendar to complete necessary NOx calculations
 - g. By February 28, 2014, began maintaining an emission record which included calculated emissions of volatile organic compounds ("VOC") from all storage tanks in the ADN Unit; and

shift alert reports which identify potential tank fill rate deviations from hourly throughput limits represented in the permit application for the ADN Unit in order to prevent violations of maximum fill rates.

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 maintain records of calculated total NO_x emissions from all emission sources for the previous calendar month and the previous consecutive 12-month period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit ("FOP") No. 01897, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, Special Conditions ("SC") No. 22.E., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 1, 2013.
2. Failed to maintain an emissions record which includes calculated emissions of VOC from all storage tanks during the previous calendar month and the past consecutive 12-month period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), FOP No. 01897, GTC and STC Nos. 1.A. and 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 14.B., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 1, 2013. Specifically, emission records were not maintained for tanks in the ADN Unit for the period between June 1, 2012 and February 28, 2013.
3. Failed to comply with permit representations for the maximum fill rates for multiple storage tanks in the ADN Unit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.116(a)(1), and 122.143(4), FOP No. 01897, GTC and STC No. 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 1, 2013. Specifically, between March 1, 2012 and February 14, 2013, there were 257 occasions where fill rates exceeded permit representations.
4. Failed to ensure all storage tanks are filled under submerged fill conditions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 115.112(a)(1), 116.115(c), and 122.143(4), FOP No. 01897, GTC and STC No. 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 14.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation

conducted on August 1, 2013. Specifically, storage tanks FT303, FT335, FT341, FT344, FT347, FT349, and FT355 in the ADN Unit were not being filled under submerged fill conditions.

5. Failed to comply with minimum net heating value requirements, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 115.112(a)(3), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(3)(ii), FOP No. O1897, GTC and STC Nos. 1.A. and 21, TCEQ Air Permit Nos. 1302 and PSDTX1085, SC No. 9.A. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 1, 2013. Specifically, the HCN Loading Flare, EPN PH63, operated below the required minimum net heating value of 200 MMBtu/scf for a total of 1,104 hours between March 1, 2012 and September 30, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INVISTA S.a r.l., Docket No. 2014-0285-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, Thirty-Nine Thousand Nine Hundred Seventy-Five Dollars (\$39,975) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure that tanks FT341 and FT347 are filled under submerged fill conditions.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

3/9/15
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

5/12/14

Date

P. P. Hunsicker

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

DIRECTOR TEXAS COMMISSION

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: 2014-0285-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INVISTA S.a r.l.
Penalty Amount:	Seventy-Nine Thousand Nine Hundred Fifty-One Dollars (\$79,951)
SEP Offset Amount:	Thirty-Nine Thousand Nine Hundred Seventy-Five Dollars (\$39,975)
Type of SEP:	Contribution to a Third-Party Pre-Approved 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 the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party 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

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

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.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The 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

The 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, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The 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, the 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. The 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 the 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 the Respondent failed to fully implement and complete the Project, the 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, the 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 the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

The SEP 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 the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.