

**Executive Summary – Enforcement Matter – Case No. 51321**  
**INVISTA S.a r.l.**  
**RN104392626**  
**Docket No. 2015-1467-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

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

**Type of Operation:**

Industrial/organic chemicals manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 18, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$25,438

**Amount Deferred for Expedited Settlement:** \$5,087

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

**Total Paid to General Revenue:** \$10,176

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$10,175

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc. (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

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***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** July 7, 2015 through July 15, 2015

**Date(s) of NOE(s):** August 26, 2015

***Violation Information***

1. Failed to conduct Absolute Calibration Audits for the continuous emissions monitoring system ("CEMS"). Specifically, the Respondent did not conduct the Absolute Calibration Audits after the calibration drift or zero drift for the CEMS exceeded two times the performance limit in accordance with the requirements of 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Appendix to Subpart EEE for Boilers 5 on January 29, 2013, March 18, 2013, November 12, 2013, December 21, 2013, and January 10, 2014; Boiler 7 on March 3, 2013 and January 6, 2014; and Boiler 8 on February 3, 2014 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.620, 116.115(c), and 122.143(4), 40 CFR § 63.1209(d)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1898, Special Terms and Conditions ("STC") Nos. 1A and 20, and New Source Review ("NSR") Permit No. 1387, Special Conditions ("SC") No. 9].
2. Failed to submit a timely, accurate, and complete periodic report for the January 1, 2013 through June 30, 2013 reporting period. Specifically, the continuous monitoring system ("CMS") downtime was not actually reported and the excessive emissions and CMS performance report required when the percent CMS downtime exceeds 5% was not included in the periodic report submitted on July 30, 2013 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.620, 116.115(c), and 122.143(4), 40 CFR §§ 63.10(e)(3) and 63.1211(a), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1898, STC Nos. 1A and 20, and NSR Permit No. 1387, SC No. 8B].
3. Failed to report all instances of deviations. Specifically, the Respondent failed to include three deviations in the deviation report for the November 16, 2013 through May 15, 2014 reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1898, General Terms and Conditions].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On December 8, 2013, performed a Relative Accuracy Test Audit to document that the carbon monoxide CEMS and oxygen CEMS for Boiler 5 were operating within performance standards;
- b. On January 27, 2014, submitted an accurate and complete periodic report for the January 1, 2013 through June 30, 2013 reporting period;
- c. On February 18, 2015, updated the Distributed Control System to include an alarm at both the one time and two times calibration drifts to notify staff and to complete the Absolute Calibration Audit; and
- d. On January 7, 2016, began using a checklist to ensure all instances of deviations are included in deviation reports and the deviation reports are submitted in a timely manner.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

- a. Within 30 days, submit a revised deviation report for the November 16, 2013 through May 15, 2014 reporting period to include the deviations for the failure to conduct Absolute Calibration Audits; failure to properly report CMS downtime in the January 1, 2013 through June 30, 2013 periodic report; and failure to submit a timely, accurate, and complete deviation report for the November 16, 2013 through May 15, 2014 reporting period; and
- b. Within 45 days, submit written certification to demonstrate compliance with 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

**Executive Summary – Enforcement Matter – Case No. 51321**  
**INVISTA S.a r.l.**  
**RN104392626**  
**Docket No. 2015-1467-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Eduardo Heras, Enforcement Division,  
Enforcement Team 5, MC 149, (512) 239-2422; Melissa Cordell, Enforcement Division,  
MC 219, (512) 239-2483

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

**Respondent:** Douglas Speers, Site Manager, INVISTA S.a r.l., P.O. Box 1003, Orange,  
Texas 77631

**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2015-1467-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>INVISTA S.a r.l.</b>
<b>Penalty Amount:</b>	<b>Twenty Thousand Three Hundred Fifty-One Dollars (\$20,351)</b>
<b>SEP Offset Amount:</b>	<b>Ten Thousand One Hundred Seventy-Five Dollars (\$10,175)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc.</b>
<b>Project Name:</b>	<b><i>Tire Collection Events and Cleanup of Abandoned Tire Sites</i></b>
<b>Location of SEP:</b>	<b>Orange County - Sabine River Basin, Gulf Coast Aquifer</b>

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 **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Tire Collection Events and Cleanup of Abandoned Tire Sites* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with local city and county government officials and private entities (“Partner Entities”) to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling (“Collection Events”), or to clean sites where tires have been disposed of illegally (“Site Cleanups”).

Texas RC&D shall ensure that collected tires, debris, and waste are properly transported to and disposed at an authorized disposal site, and if a licensed hauler is needed for tires or other regulated waste collected from sites, Texas RC&D shall ensure that only properly licensed haulers are used for transport and disposal of tires and regulated wastes. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be 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 it 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**

This SEP will provide an environmental benefit by providing communities with a free and convenient means for safe and proper disposal of tires and by reducing the dangers and health threats associated with illegally dumped tires.

The health risks associated with illegal dumping are significant. Areas used for illegal tire dumping may be easily accessible to people, especially children, who are vulnerable to the physical hazards posed by abandoned tires. Rodents, insects, and other vermin attracted to dump sites may also pose health risks. Tire dump sites which contain scrap tires pose an ideal breeding ground for mosquitoes, which can breed 100 times faster in the warm, stagnant water standing in scrap tire casings. Severe illnesses, including West Nile Virus, have been attributed to disease-carrying mosquitoes. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of air, surface water, ground water, and soil. In addition, neighborhoods have been evacuated and property damage has been significant due to tire dump sites that caught fire. Illegal tire dumping can also impact drainage of runoff, making areas more susceptible to flooding when wastes block waterways. Open burning at tire dump sites can cause forest fires and erosion as fires burn away trees and undergrowth. Tire dumping has a negative impact on trees and wildlife, and runoff from tire dumpsites may contain chemicals that can contaminate wells and surface water used for drinking.

**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.

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

## **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 **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902

## **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, as 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. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

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

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

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of 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. Recognition**

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 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned PCW</b>	31-Aug-2015	<b>Screening</b>	24-Sep-2015	<b>EPA Due</b>	
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	INVISTA S.a r.l.
<b>Reg. Ent. Ref. No.</b>	RN104392626
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	51321	<b>No. of Violations</b>	3
<b>Docket No.</b>	2015-1467-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Eduardo Heras
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$14,500**

### 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%** Adjustment **Subtotals 2, 3, & 7** **\$14,500**

Notes: Enhancement for two NOVs with same/similar violations and seven orders containing denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures 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** **-\$3,562**

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

Total EB Amounts \$447  
Estimated Cost of Compliance \$5,250  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$25,438**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$25,438**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$25,438**

**DEFERRAL** **20.0%** Reduction Adjustment **-\$5,087**

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** **\$20,351**

Screening Date 24-Sep-2015

Docket No. 2015-1467-AIR-E

PCW

Respondent INVISTA S.a r.l.

Policy Revision 4 (April 2014)

Case ID No. 51321

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Eduardo Heras

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments 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> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 143%

>> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

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

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations and seven orders containing denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 143%

>> Final Compliance History Adjustment

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

**Screening Date** 24-Sep-2015  
**Respondent** INVISTA S.a r.l.  
**Case ID No.** 51321

**Docket No.** 2015-1467-AIR-E

**PCW**

*Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN104392626  
**Media [Statute]** Air  
**Enf. Coordinator** Eduardo Heras  
**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admn. Code §§ 101.20(2), 113.620, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") § 63.1209(d)(2), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1898, Special Terms and Conditions ("STC") Nos. 1A and 20, and New Source Review Permit ("NSR") No. 1387, Special Conditions ("SC") No. 9

**Violation Description** Failed to conduct Absolute Calibration Audits for the Continuous Emissions Monitoring Systems ("CEMS"). Specifically, the Respondent did not conduct the Absolute Calibration Audits after the calibration drift or zero drift for the CEMS exceeded two times the performance limit in accordance with the requirements of 40 CFR Part 63, Appendix to Subpart EEE for Boilers 5 on January 29, 2013, March 18, 2013, November 12, 2013, December 21, 2013 and January 10, 2014; Boiler 7 on March 3, 2013 and January 6, 2014; and Boiler 8 on February 3, 2014.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

**Adjustment** \$23,250

\$1,750

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty** \$14,000

Eight single events are recommended for the Instances of non-compliance (five events for Boiler 5, two events for Boiler 7, and one event for Boiler 8).

**Good Faith Efforts to Comply**

25.0%

Reduction \$3,500

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

Notes: The Respondent completed corrective actions on February 18, 2015, before the August 26, 2015, NOE.

**Violation Subtotal** \$10,500

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

**Statutory Limit Test**

Estimated EB Amount \$154

**Violation Final Penalty Total** \$24,500

**This violation Final Assessed Penalty (adjusted for limits)** \$24,500

## Economic Benefit Worksheet

**Respondent** INVISTA S.a.r.l.  
**Case ID No.** 51321  
**Reg. Ent. Reference No.** RN104392626  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$1,500	29-Jan-2013	18-Feb-2015	2.05	\$154	n/a	\$154
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Distributed Control System to include an alarm at both the one time and two times calibration drift to notify staff and to complete the Absolute Calibration Audit. The Date Required is the first date of non-compliance and the Final Date is the 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 \$1,500

TOTAL \$154

Screening Date 24-Sep-2015  
Respondent INVISTA S.a r.l.  
Case ID No. 51321

Docket No. 2015-1467-AIR-E

PCW

Policy Revision 4 (April 2014)  
PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104392626  
Media [Statute] Air  
Enf. Coordinator Eduardo Heras

Violation Number   
Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2), 113.620, 116.115(c), and 122.143(4), 40 CFR §§ 63.10(e)(3) and 63.1211(a), Tex. Health & Safety Code § 382.085(b), FOP No. O1898, STC Nos. 1A and 20, and NSR Permit No. 1387, SC No. 8B

Violation Description

Failed to submit a timely, accurate, and complete periodic report for the January 1, 2013 through June 30, 2013 reporting period. Specifically, the continuous monitoring system ("CMS") downtime was not accurately reported and the excessive emissions and CMS performance report required when the percent CMS downtime exceeds 5% was not included in the periodic report submitted on July 30, 2013.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text" value="1.0%"/>

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended for the incomplete report.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent completed corrective actions on January 27, 2014, before the August 26, 2015, Notice of Enforcement ("NOE").

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** INVISTA S.a r.l.  
**Case ID No.** 51321  
**Reg. Ent. Reference No.** RN104392626  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$250	30-Jul-2013	27-Jan-2014	0.50	\$6	n/a	\$6

**Notes for DELAYED costs**

Estimated cost to submit an accurate and complete periodic report for the January 1, 2013 through June 30, 2013 reporting period. The Date Required is the date the periodic report was due. The Final date is the 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**

\$250

**TOTAL**

\$6

Screening Date 24-Sep-2015  
 Respondent INVISTA S.a r.l.  
 Case ID No. 51321

Docket No. 2015-1467-AIR-E

PCW

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104392626  
 Media [Statute] Air  
 Enf. Coordinator Eduardo Heras

Violation Number   
 Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. 01898, General Terms and Conditions

Violation Description

Failed to report all instances of deviations. Specifically, the Respondent failed to include three deviations in the deviation report for the November 16, 2013 through May 15, 2014 reporting period.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

More than 70% of the rule requirement was met.

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended for the incomplete report.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** INVISTA S.a r.l.  
**Case ID No.** 51321  
**Reg. Ent. Reference No.** RN104392626  
**Media** Air  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$1,500	14-Jun-2014	7-Jan-2016	1.57	\$118	n/a	\$118
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	14-Jun-2014	20-Feb-2016	1.69	\$21	n/a	\$21

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures to ensure all instances of deviations are included in deviation reports and the deviation reports are submitted in a timely manner and to submit a revised deviation report for the November 16, 2013 through May 15, 2014 reporting period to include the missing three deviations. Date Required is the date the first semiannual deviation report was due. Final Dates are the estimated date of compliance and the date corrective action was completed.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,750

**TOTAL**

\$139

The TCEQ is committed to accessibility.

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



# TCEQ Compliance History Report

**PENDING** Compliance History Report for CN602582231, RN104392626, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

<b>Customer, Respondent, or Owner/Operator:</b>	CN602582231, INVISTA S.a r.l.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 5.06
<b>Regulated Entity:</b>	RN104392626, INVISTA SARL SABINE RIVER SITE	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 12.94
<b>Complexity Points:</b>	38	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	3055A FM 1006 ORANGE, TX 77630-8045, ORANGE COUNTY		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		

## ID Number(s):

AIR NEW SOURCE PERMITS AFS NUM 4836100244	AIR NEW SOURCE PERMITS REGISTRATION 131035
AIR NEW SOURCE PERMITS REGISTRATION 76385	AIR NEW SOURCE PERMITS REGISTRATION 76134
AIR NEW SOURCE PERMITS PERMIT 1387	AIR NEW SOURCE PERMITS REGISTRATION 75994
AIR NEW SOURCE PERMITS PERMIT 1302	AIR NEW SOURCE PERMITS REGISTRATION 33081
AIR NEW SOURCE PERMITS REGISTRATION 43815	AIR NEW SOURCE PERMITS REGISTRATION 40371
AIR NEW SOURCE PERMITS REGISTRATION 38853	AIR NEW SOURCE PERMITS REGISTRATION 38402
AIR NEW SOURCE PERMITS REGISTRATION 37818	AIR NEW SOURCE PERMITS REGISTRATION 52687
AIR NEW SOURCE PERMITS REGISTRATION 43041	AIR NEW SOURCE PERMITS REGISTRATION 45950
AIR NEW SOURCE PERMITS REGISTRATION 44499	AIR NEW SOURCE PERMITS REGISTRATION 44206
AIR NEW SOURCE PERMITS REGISTRATION 42060	AIR NEW SOURCE PERMITS REGISTRATION 43816
AIR NEW SOURCE PERMITS REGISTRATION 53853	AIR NEW SOURCE PERMITS REGISTRATION 56241
AIR NEW SOURCE PERMITS REGISTRATION 50464	AIR NEW SOURCE PERMITS REGISTRATION 36731
AIR NEW SOURCE PERMITS REGISTRATION 35863	AIR NEW SOURCE PERMITS REGISTRATION 51530
AIR NEW SOURCE PERMITS REGISTRATION 51405	AIR NEW SOURCE PERMITS REGISTRATION 51509
AIR NEW SOURCE PERMITS REGISTRATION 71720	AIR NEW SOURCE PERMITS REGISTRATION 55029
AIR NEW SOURCE PERMITS REGISTRATION 54974	AIR NEW SOURCE PERMITS PERMIT 1303
AIR NEW SOURCE PERMITS PERMIT 9468	AIR NEW SOURCE PERMITS PERMIT 1790
AIR NEW SOURCE PERMITS REGISTRATION 76879	AIR NEW SOURCE PERMITS REGISTRATION 78657
AIR NEW SOURCE PERMITS REGISTRATION 79303	AIR NEW SOURCE PERMITS REGISTRATION 78882
AIR NEW SOURCE PERMITS REGISTRATION 80152	AIR NEW SOURCE PERMITS REGISTRATION 80427
AIR NEW SOURCE PERMITS REGISTRATION 79898	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1085
AIR NEW SOURCE PERMITS REGISTRATION 81904	AIR NEW SOURCE PERMITS REGISTRATION 81967
AIR NEW SOURCE PERMITS REGISTRATION 81976	AIR NEW SOURCE PERMITS REGISTRATION 81949
AIR NEW SOURCE PERMITS REGISTRATION 82408	AIR NEW SOURCE PERMITS REGISTRATION 82405
AIR NEW SOURCE PERMITS REGISTRATION 83014	AIR NEW SOURCE PERMITS REGISTRATION 82438
AIR NEW SOURCE PERMITS REGISTRATION 83021	AIR NEW SOURCE PERMITS REGISTRATION 85930
AIR NEW SOURCE PERMITS REGISTRATION 86674	AIR NEW SOURCE PERMITS REGISTRATION 92371
AIR NEW SOURCE PERMITS REGISTRATION 92530	AIR NEW SOURCE PERMITS REGISTRATION 92704
AIR NEW SOURCE PERMITS ACCOUNT NUMBER OCA002B	AIR NEW SOURCE PERMITS REGISTRATION 95876
AIR NEW SOURCE PERMITS REGISTRATION 95871	AIR NEW SOURCE PERMITS REGISTRATION 99099
AIR NEW SOURCE PERMITS REGISTRATION 101881	AIR NEW SOURCE PERMITS REGISTRATION 101876
AIR NEW SOURCE PERMITS REGISTRATION 101883	AIR NEW SOURCE PERMITS REGISTRATION 104039
AIR NEW SOURCE PERMITS REGISTRATION 104080	AIR NEW SOURCE PERMITS REGISTRATION 103697
AIR NEW SOURCE PERMITS REGISTRATION 114655	AIR NEW SOURCE PERMITS REGISTRATION 113384
AIR NEW SOURCE PERMITS REGISTRATION 134664	AIR NEW SOURCE PERMITS REGISTRATION 107613
AIR NEW SOURCE PERMITS REGISTRATION 107798	AIR NEW SOURCE PERMITS REGISTRATION 123539
AIR NEW SOURCE PERMITS REGISTRATION 123115	AIR NEW SOURCE PERMITS REGISTRATION 129428
AIR NEW SOURCE PERMITS REGISTRATION 113841	AIR NEW SOURCE PERMITS REGISTRATION 124760

AIR NEW SOURCE PERMITS REGISTRATION 124313  
 AIR NEW SOURCE PERMITS REGISTRATION 117338  
 AIR NEW SOURCE PERMITS REGISTRATION 135732  
 AIR NEW SOURCE PERMITS REGISTRATION 112078  
 AIR NEW SOURCE PERMITS REGISTRATION 107611  
 AIR NEW SOURCE PERMITS REGISTRATION 127344  
 AIR NEW SOURCE PERMITS REGISTRATION 120363  
 AIR NEW SOURCE PERMITS REGISTRATION 132687  
 AIR NEW SOURCE PERMITS REGISTRATION 134421  
 AIR NEW SOURCE PERMITS REGISTRATION 112262  
 AIR NEW SOURCE PERMITS REGISTRATION 132129  
 AIR NEW SOURCE PERMITS REGISTRATION 128967  
 AIR NEW SOURCE PERMITS REGISTRATION 122632  
 AIR NEW SOURCE PERMITS REGISTRATION 113354  
 AIR OPERATING PERMITS PERMIT 1868  
 AIR OPERATING PERMITS PERMIT 1996  
 AIR OPERATING PERMITS ACCOUNT NUMBER OCA002B  
 AIR OPERATING PERMITS PERMIT 1898  
 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 NEW SOURCE PERMITS REGISTRATION 129528  
 AIR NEW SOURCE PERMITS REGISTRATION 116059  
 AIR NEW SOURCE PERMITS REGISTRATION 122044  
 AIR NEW SOURCE PERMITS REGISTRATION 134992  
 AIR NEW SOURCE PERMITS REGISTRATION 132021  
 AIR NEW SOURCE PERMITS REGISTRATION 135370  
 AIR NEW SOURCE PERMITS REGISTRATION 125355  
 AIR NEW SOURCE PERMITS REGISTRATION 128966  
 AIR NEW SOURCE PERMITS REGISTRATION 129423  
 AIR NEW SOURCE PERMITS REGISTRATION 123093  
 AIR NEW SOURCE PERMITS REGISTRATION 124858  
 AIR NEW SOURCE PERMITS REGISTRATION 117335  
 AIR NEW SOURCE PERMITS REGISTRATION 112681  
 AIR NEW SOURCE PERMITS REGISTRATION 131025  
 AIR OPERATING PERMITS PERMIT 1897  
 AIR OPERATING PERMITS PERMIT 1898  
 AIR OPERATING PERMITS PERMIT 1996  
 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, 2010 to August 31, 2015      **Rating Year:** 2015      **Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** September 23, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 23, 2010 to September 23, 2015

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

**Name:** Eduardo Heras

**Phone:** (512) 239-2422

**Site and Owner/Operator History:**

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

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

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

- 1      Effective Date: 10/02/2011      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.
  
- 2      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.

3 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.

4 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.

5 Effective Date: 05/24/2014 ADMINORDER 2013-1503-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(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: FOP SC 12 OP  
General Terms and Conditions OP  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 14 lbs of hydrogen cyanide ("HCN"), during an emissions event (Incident No. 174667) that occurred on October 10, 2012 and lasted sixteen minutes. The emissions event occurred due to an isolation valve becoming locked in a partially open position in the Adiponitrile unit during a scheduled unit turnaround.

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)

Rqmt Prov: FOP SC 12 OP  
General Terms and Conditions OP  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 20 lbs of HCN and 350 lbs of carbon monoxide during an emissions event (Incident No. 176612) that occurred on December 1, 2012 and lasted four hours and eight minutes. The emissions event resulted from the failure to maintain the required nitrogen pressure during a startup of the West Train in the HCN Refining Unit.

6 Effective Date: 08/15/2014 ADMINORDER 2013-1243-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(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 21 OP

Description: Failure to comply with the annual allowable emission rate for the parts degreaser, EPN PF900.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)  
30 TAC Chapter 115, SubChapter B 115.122(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 OP

Description: Failure to comply with the VOC control efficiency for the North and South Adiponitrile Boilers.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(4)  
30 TAC Chapter 122, SubChapter B 122.146(5)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Terms and Conditions No. 21 OP

Description: Failure to include the required information in the deviation reports.

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 12 OP  
Special Condition 12F PERMIT

Description: Failure to maintain an emissions record which includes calculated emissions of Volatile Organic Compounds from all storage tanks.

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 12 OP

Special Condition 14 PERMIT

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

7 Effective Date: 05/07/2015 ADMINORDER 2014-0285-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: General Terms and Conditions OP  
PSDTX1085, Special Conditions No. 22.E. PERMIT  
Special Condition 21 OP

Description: Failed to maintain records of calculated total NOx emissions from all emission sources for the previous calendar month and the previous consecutive 12-month period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)  
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  
PSDTX1085 Special Conditions No. 14.B. PERMIT  
Special Condition 1A OP  
Special Condition 21 OP

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 ADN Unit for the period between June 1, 2012 and February 28, 2013.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
PSDTX1085 Special Conditions No. 14 PERMIT  
Special Condition 21 OP

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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
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  
PSDTX1085 Special Conditions No. 14.A. PERMIT  
Special Condition 21 OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 115, SubChapter B 115.112(a)(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 A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

PSDTX1085, Special Condition 9A PERMIT  
Special Condition 1A OP  
Special Condition 21 OP

Description: Failed to comply with minimum net heating value requirements. 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.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	November 03, 2010	(865889)
Item 2	November 05, 2010	(871717)
Item 3	January 11, 2011	(885786)
Item 4	April 06, 2011	(908537)
Item 5	April 15, 2011	(907007)
Item 6	April 20, 2011	(908975)
Item 7	May 16, 2011	(905650)
Item 8	May 25, 2011	(907734)
Item 9	June 06, 2011	(912053)
Item 10	June 10, 2011	(906643)
Item 11	June 23, 2011	(920556)
Item 12	June 24, 2011	(914147)
Item 13	July 01, 2011	(933313)
Item 14	July 15, 2011	(935035)
Item 15	July 21, 2011	(921231)
Item 16	September 23, 2011	(949241)
Item 17	October 13, 2011	(956755)
Item 18	November 17, 2011	(922282)
Item 19	December 16, 2011	(974607)
Item 20	January 03, 2012	(957900)
Item 21	January 17, 2012	(964970)
Item 22	February 20, 2012	(950499)
Item 23	February 29, 2012	(983530)
Item 24	March 26, 2012	(988647)
Item 25	March 27, 2012	(994604)
Item 26	April 16, 2012	(996766)
Item 27	April 24, 2012	(989909)
Item 28	April 25, 2012	(990028)
Item 29	May 24, 2012	(990336)
Item 30	May 25, 2012	(1006735)
Item 31	May 30, 2012	(993682)
Item 32	July 10, 2012	(1015876)
Item 33	July 17, 2012	(1020415)
Item 34	September 05, 2012	(1021551)
Item 35	October 13, 2012	(1028443)
Item 36	November 30, 2012	(1043763)
Item 37	December 05, 2012	(1042044)
Item 38	January 31, 2013	(1054649)
Item 39	February 19, 2013	(1057539)

Item 40	February 20, 2013	(1057418)
Item 41	February 21, 2013	(1058749)
Item 42	June 20, 2013	(1099575)
Item 43	July 29, 2013	(1103660)
Item 44	October 30, 2013	(1124739)
Item 45	November 26, 2013	(1133146)
Item 46	December 27, 2013	(1135124)
Item 47	February 04, 2014	(1140295)
Item 48	February 19, 2014	(1146564)
Item 49	March 17, 2014	(1151056)
Item 50	April 11, 2014	(1146979)
Item 51	April 30, 2014	(1164388)
Item 52	May 16, 2014	(1165242)
Item 53	May 27, 2014	(1165870)
Item 54	June 03, 2014	(1166362)
Item 55	June 04, 2014	(1170391)
Item 56	June 13, 2014	(1172841)
Item 57	July 09, 2014	(1179974)
Item 58	August 22, 2014	(1187253)
Item 59	September 02, 2014	(1171978)
Item 60	September 05, 2014	(1186370)
Item 61	November 24, 2014	(1210200)
Item 62	January 14, 2015	(1208960)
Item 63	January 15, 2015	(1217069)
Item 64	February 19, 2015	(1227140)
Item 65	May 19, 2015	(1252800)
Item 66	June 15, 2015	(1254299)
Item 67	June 17, 2015	(1255321)
Item 68	July 24, 2015	(1267226)
Item 69	August 12, 2015	(1267991)
Item 70	September 09, 2015	(1267872)
Item 71	September 10, 2015	(1268505)

**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:      08/21/2015      (1267173)      CN602582231
- 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 101, SubChapter A 101.20(3)  
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 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 19E PERMIT  
PSDTX1085, Special Condition 4C PERMIT  
Special Condition 1A OP  
Special Condition 27 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:      Minor
- Citation:      30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.120

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 63.2485(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(c)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
PSDTX1085, Special Condition 4B PERMIT  
PSDTX1085, Special Condition 4D PERMIT  
Special Condition 16 OP

Special Condition 1A OP  
Special Condition 22 OP  
Special Condition 27 OP

Description: Failure to correctly determine wastewater streams as required.  
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 27 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: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
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 18F PERMIT  
Special Condition 27 OP

Description: Failure to identify and monitor a component in VOC service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
PSDTX1085, Special Condition 38B(2) PERMIT  
Special Condition 1A OP  
Special Condition 27 OP

Description: Failure to record temperature on temporary thermal oxidizer as required.

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 24 PERMIT  
Special Condition 27 OP

Description: Failure to comply with permit conditions regarding ADN Audio, Visual, and Olfactory (AVO) leak checks as required.

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 11A PERMIT  
Special Condition 27 OP

Description: Failure to conduct visible emissions inspections on the Dust Collector as required.

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(a)(3)(i)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
PSDTX1085, Special Condition 4F PERMIT  
Special Condition 1A OP  
Special Condition 27 OP

Description: Failure to record Continuous Emissions Monitoring Systems (CEMS) data as required for Hazardous Waste Boilers.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 106, SubChapter V 106.492(2)(A)  
30 TAC Chapter 115, SubChapter B 115.112(a)(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 A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
PSDTX1085, Special Condition 9A PERMIT  
Special Condition 1A OP  
Special Condition 27 OP

Description: Failure to operate a flare as required to control emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1A OP

Description: Failure to maintain minimum boiler combustion temperature to achieve the required 98% control efficiency for VOCs.

Self Report? NO Classification: Minor

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

Description: Failure to report deviations as required on a deviation report.

2

Date: 08/26/2015 (1267140) CN602582231

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 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3C(iii)(1) OP

Description: Failure to conduct a quarterly visible emissions observation.

Self Report? NO Classification: Minor

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

Description: Failure to conduct periodic monitoring as required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.620  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(7)(i)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1A OP  
Special Condition 20 OP

**Description:** Special Condition 8B PERMIT  
**Self Report?** Failure to maintain daily inspection records for Powerhouse Boilers 5, 7, and 8. 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 15C(1) PERMIT  
Special Condition 20 OP

**Description:** Failure to calibrate Lower Explosive Limit (LEL) Detector within 30 days as required. EIC C1 Min 1C  
**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 16E(1) PERMIT  
Special Condition 1A OP  
Special Condition 20 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 16F PERMIT  
Special Condition 1A OP  
Special Condition 20 OP

**Description:** Failure to identify and monitor valves in VOC service. EIC C7 Mod 2A  
**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(a)(3)(I)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1A OP  
Special Condition 20 OP  
Special Condition 9 PERMIT

**Description:** Failure to record Continuous Emissions Monitoring Systems (CEMS) data as required for Hazardous Waste Boilers.  
**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(c)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1A OP  
Special Condition 20 OP  
Special Condition 8B PERMIT

**Description:** Failure to sample and obtain a waste stream analysis as required for Hazardous Waste Combustors.  
**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 20 OP  
Special Condition 21D PERMIT

**Description:** Failure to maintain minimum natural gas flow rate as required while waste gas feed was flowing to the Ammonia (NH3) Flare.  
**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 on a deviation report.

## F. Environmental audits:

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 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)

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)

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.

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

No DOV Associated

Notice of Intent Date: 07/22/2013 (1115847)

Disclosure Date: 06/06/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)  
30 TAC Chapter 335, SubChapter R 335.501  
30 TAC Chapter 335, SubChapter R 335.502  
30 TAC Chapter 335, SubChapter R 335.503  
30 TAC Chapter 335, SubChapter R 335.504  
30 TAC Chapter 335, SubChapter C 335.62

Description: Failed to properly classify and code all waste streams.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(k)  
30 TAC Chapter 335, SubChapter J 335.329(a)  
30 TAC Chapter 335, SubChapter J 335.329(c)  
30 TAC Chapter 335, SubChapter R 335.513

30 TAC Chapter 335, SubChapter A 335.6(a)  
30 TAC Chapter 335, SubChapter A 335.6(b)  
30 TAC Chapter 335, SubChapter A 335.6(c)  
30 TAC Chapter 335, SubChapter C 335.71  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)  
30 TAC Chapter 335, SubChapter A 335.9(a)(2)  
30 TAC Chapter 335, SubChapter A 335.9(b)

Description: Failed to include waste streams from newly identified points of generation on the Notice of Registration. Additionally, failed to accurately classify and report hazardous waste streams (classified as non-hazardous industrial waste) on the facility's Annual Waste Summary and Biennial Report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)  
30 TAC Chapter 335, SubChapter A 335.6(a)  
30 TAC Chapter 335, SubChapter A 335.6(b)  
30 TAC Chapter 335, SubChapter A 335.6(c)  
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter C 335.69(a)(2)  
30 TAC Chapter 335, SubChapter C 335.69(a)(3)  
30 TAC Chapter 335, SubChapter C 335.69(a)(4)

Description: Failed to include frac and on-site transport containers (used periodically for industrial waste storage prior to disposal) on the facility's Notice of Registration and to manage them in accordance with all application regulations for 90-day hazardous waste containers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)  
30 TAC Chapter 335, SubChapter A 335.6(a)  
30 TAC Chapter 335, SubChapter A 335.6(b)  
30 TAC Chapter 335, SubChapter A 335.6(c)  
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
30 TAC Chapter 335, SubChapter C 335.69(a)(2)  
30 TAC Chapter 335, SubChapter C 335.69(a)(3)  
30 TAC Chapter 335, SubChapter C 335.69(a)(4)

Description: Failed to include dual use tanks (including sumps) and ancillary equipment on the facility's Notice of Registration and to manage them in accordance with all application regulations for 90-day hazardous waste tanks.

Viol. Classification: Minor

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

Description: Failed to describe or accurately describe wastewater sumps in the listings for the wastewater treatments units on the facility's Notice of Registration.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.9(d)  
30 TAC Chapter 335, SubChapter A 335.2(a)  
30 TAC Chapter 335, SubChapter O 335.431  
30 TAC Chapter 335, SubChapter A 335.6(a)  
30 TAC Chapter 335, SubChapter A 335.6(b)  
30 TAC Chapter 335, SubChapter A 335.6(c)  
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
30 TAC Chapter 335, SubChapter C 335.69(a)(2)  
30 TAC Chapter 335, SubChapter C 335.69(a)(3)  
30 TAC Chapter 335, SubChapter C 335.69(a)(4)

Description: Failed to manage the sodium neutralization process consistent with all applicable regulations for 90-day hazardous waste accumulation units; failed to include the sodium neutralization process and neutralization vessel on the Notice of Registration; and failed to file a one-time notification in accordance with the land disposal restrictions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)

Description: Failed to obtain a permit prior to the management of hazardous waste wastewater in the ADN North Diversion Pond. Specifically, the pond (a concrete-lined surface impoundment) was sampled and determined to be characteristically hazardous for benzene toxicity (D018).

Notice of Intent Date: 04/22/2015 (1248300)

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. 2015-1467-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates an industrial/organic chemicals 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 August 31, 2015.
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 Twenty-Five Thousand Four Hundred Thirty-Eight Dollars (\$25,438) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand

One Hundred Seventy-Six Dollars (\$10,176) of the administrative penalty and Five Thousand Eighty-Seven Dollars (\$5,087) 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. Ten Thousand One Hundred Seventy-Five Dollars (\$10,175) 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 December 8, 2013, performed a Relative Accuracy Test Audit to document that the carbon monoxide ("CO") continuous emissions monitoring system ("CEMS") and oxygen CEMS for Boiler 5 were operating within performance standards;
  - b. On January 27, 2014, submitted an accurate and complete periodic report for the January 1, 2013 through June 30, 2013 reporting period;
  - c. On February 18, 2015, updated the Distributed Control System to include an alarm at both the one time and two times calibration drifts to notify staff and to complete the Absolute Calibration Audit; and
  - d. On January 7, 2016, began using a checklist to ensure all instances of deviations are included in deviation reports and the deviation reports are submitted in a timely manner.
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 conduct Absolute Calibration Audits for the CEMS, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.620, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.1209(d)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1898, Special Terms and Conditions ("STC") Nos. 1A and 20, and New Source Review ("NSR") Permit No. 1387, Special Conditions ("SC") No. 9, as documented during an investigation conducted from July 7, 2015 through July 15, 2015. Specifically, the Respondent did not conduct the Absolute Calibration Audits after the calibration drift or zero drift for the CEMS exceeded two times the performance limit in accordance with the requirements of 40 CFR Part 63, Appendix to Subpart EEE for Boilers 5 on January 29, 2013, March 18, 2013, November 12, 2013, December 21, 2013, and January 10, 2014; Boiler 7 on March 3, 2013 and January 6, 2014; and Boiler 8 on February 3, 2014.
2. Failed to submit a timely, accurate, and complete periodic report for the January 1, 2013 through June 30, 2013 reporting period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.620, 116.115(c), and 122.143(4), 40 CFR §§ 63.10(e)(3) and 63.1211(a), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1898, STC Nos. 1A and 20, and NSR Permit No. 1387, SC No. 8B, as documented during an investigation conducted from July 7, 2015 through July 15, 2015. Specifically, the continuous monitoring system ("CMS") downtime was not actually reported and the excessive emissions and CMS performance report required when the percent CMS downtime exceeds 5% was not included in the periodic report submitted on July 30, 2013.
3. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1898, General Terms and Conditions, as documented during an investigation conducted from July 7, 2015 through July 15, 2015. Specifically, the Respondent failed to include three deviations in the deviation report for the November 16, 2013 through May 15, 2014 reporting period.

## 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. 2015-1467-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, Ten Thousand One Hundred Seventy-Five Dollars (\$10,175) 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 assessed administrative penalty 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, submit a revised deviation report for the November 16, 2013 through May 15, 2014 reporting period to include the deviations for the failure to conduct Absolute Calibration Audits as specified in 40 CFR Part 63, Appendix to Subpart EEE; failure to properly report CMS downtime in the January 1, 2013 through June 30, 2013 periodic report; and failure to submit a timely, accurate, and complete deviation report for the November 16, 2013 through May 15, 2014 reporting period; and
  - 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. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

5/16/16  
\_\_\_\_\_  
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

02/17/2016  
\_\_\_\_\_  
Date

DOUGLAS SPEERS  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
INVISTA S.a r.l.

Sr. Mgr  
\_\_\_\_\_  
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: 2015-1467-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>INVISTA S.a r.l.</b>
<b>Penalty Amount:</b>	<b>Twenty Thousand Three Hundred Fifty-One Dollars (\$20,351)</b>
<b>SEP Offset Amount:</b>	<b>Ten Thousand One Hundred Seventy-Five Dollars (\$10,175)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc.</b>
<b>Project Name:</b>	<b><i>Tire Collection Events and Cleanup of Abandoned Tire Sites</i></b>
<b>Location of SEP:</b>	<b>Orange County - Sabine River Basin, Gulf Coast Aquifer</b>

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 **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Tire Collection Events and Cleanup of Abandoned Tire Sites* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with local city and county government officials and private entities (“Partner Entities”) to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling (“Collection Events”), or to clean sites where tires have been disposed of illegally (“Site Cleanups”).

Texas RC&D shall ensure that collected tires, debris, and waste are properly transported to and disposed at an authorized disposal site, and if a licensed hauler is needed for tires or other regulated waste collected from sites, Texas RC&D shall ensure that only properly licensed haulers are used for transport and disposal of tires and regulated wastes. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be 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 it 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

This SEP will provide an environmental benefit by providing communities with a free and convenient means for safe and proper disposal of tires and by reducing the dangers and health threats associated with illegally dumped tires.

The health risks associated with illegal dumping are significant. Areas used for illegal tire dumping may be easily accessible to people, especially children, who are vulnerable to the physical hazards posed by abandoned tires. Rodents, insects, and other vermin attracted to dump sites may also pose health risks. Tire dump sites which contain scrap tires pose an ideal breeding ground for mosquitoes, which can breed 100 times faster in the warm, stagnant water standing in scrap tire casings. Severe illnesses, including West Nile Virus, have been attributed to disease-carrying mosquitoes. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of air, surface water, ground water, and soil. In addition, neighborhoods have been evacuated and property damage has been significant due to tire dump sites that caught fire. Illegal tire dumping can also impact drainage of runoff, making areas more susceptible to flooding when wastes block waterways. Open burning at tire dump sites can cause forest fires and erosion as fires burn away trees and undergrowth. Tire dumping has a negative impact on trees and wildlife, and runoff from tire dumpsites may contain chemicals that can contaminate wells and surface water used for drinking.

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 **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902

## **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, as 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. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

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

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

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of 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. Recognition**

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.