Executive Summary – Enforcement Matter – Case No. 54745
The Chemours Company FC, LLC
RN100216035
Docket No. 2017-0991-AIR-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
AIR
Small Business:
No
Location(s) Where Violation(s) Occurred:
Chemours Beaumont Aniline Facility, 5470 North Twin City Highway, Nederland, Jefferson County
Type of Operation:
Chemical manufacturing facility
Other Significant Matters:
Additional Pending Enforcement Actions: Yes, Docket No. 2014-0506-IHW-E
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: No
Texas Register Publication Date: January 19, 2018
Comments Received: No

Penalty Information

Total Penalty Assessed: $17,889
Amount Deferred for Expedited Settlement: $3,577
Total Paid to General Revenue: $14,312
Total Due to General Revenue: $0
Payment Plan: N/A
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - Satisfactory
Major/Minor Source: Major
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: May 22, 2017
Date(s) of NOE(s): June 27, 2017

Executive Summary – Enforcement Matter – Case No. 54745
The Chemours Company FC, LLC
RN100216035
Docket No. 2017-0991-AIR-E

Violation Information

1. Failed to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance. Specifically, the Respondent transferred ownership of the Plant on March 1, 2016 and submitted a final permit compliance certification ("PCC") for the January 1, 2016 through February 29, 2016 certification period, but did not certify compliance with the terms and conditions of Federal Operating Permit ("FOP") No. O1961 for the July 1, 2015 through December 31, 2015 certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1961, General Terms and Conditions and Special Terms and Conditions No. 18].

2. Failed to submit a PCC no later than 30 days after the end of the certification period. Specifically, the PCC for the January 1, 2016 through February 29, 2016 certification period was due by March 30, 2016, but was not submitted until June 28, 2016 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1961, General Terms and Conditions and Special Terms and Conditions No. 18].

3. Failed to submit a deviation report no later than 30 days after the end of the reporting period. Specifically, the deviation report for the January 1, 2016 through February 29, 2016 reporting period was due by March 30, 2016, but was not submitted until June 28, 2016 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1961, General Terms and Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following:

a. On March 1, 2016, transferred ownership of the Plant;

b. On June 28, 2016, submitted the PCC for the January 1, 2016 through February 29, 2016 certification period and the deviation report for the January 1, 2016 through February 29, 2016 reporting period; and

c. On September 5, 2017, submitted a revised PCC for the July 1, 2015 through February 29, 2016 certification period.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 54745
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Docket No. 2017-0991-AIR-E

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Austin Henck, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-6155; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: N/A
Respondent: Mark Vergano, President, The Chemours Company FC, LLC, P.O. Box 2047, Wilmington, Delaware 19899
Christian Siemer, President, Chemical Solutions, The Chemours Company FC, LLC, P.O. Box 2047, Wilmington, Delaware 19899
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES

Assigned	5-Jul-2017				
PCW	5-Sep-2017	**Screening**	7-Jul-2017	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	The Chemours Company FC, LLC		
Reg. Ent. Ref. No.	RN100216035		
Facility/Site Region	10-Beaumont	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No.	54745	**No. of Violations**	3
Docket No.	2017-0991-AIR-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Austin Henck
		EC's Team	Enforcement Team 3

Admin. Penalty $ Limit Minimum $0 **Maximum** $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — ***Subtotal 1*** **$11,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **60.0%** Adjustment — ***Subtotals 2, 3, & 7*** **$6,750**

Notes: Enhancement for three agreed orders with denial of liability.

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*** **-$375**

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

Total EB Amounts $288
Estimated Cost of Compliance $1,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$17,625**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **1.5%** — ***Adjustment*** **$264**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation No. 2.

Final Penalty Amount **$17,889**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$17,889**

DEFERRAL — **20.0%** Reduction — ***Adjustment*** **-$3,577**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$14,312**

Screening Date 7-Jul-2017 **Docket No.** 2017-0991-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent The Chemours Company FC, LLC

Case ID No. 54745

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Austin Henck

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

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) 60%

>> 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 three agreed orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 60%

Screening Date 7-Jul-2017 **Docket No.** 2017-0991-AIR-E **PCW**

Respondent The Chemours Company FC, LLC

Policy Revision 4 (April 2014)

Case ID No. 54745

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Austin Henck

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(1), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1961, General Terms and Conditions and Special Terms and Conditions No. 18

Violation Description Failed to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance. Specifically, the Respondent transferred ownership of the Plant on March 1, 2016 and submitted a final permit compliance certification ("PCC") for the January 1, 2016 through February 29, 2016 certification period, but did not certify compliance with the terms and conditions of FOP No. O1961 for the July 1, 2015 through December 31, 2015 certification period.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes: More than 70% of the rule requirements were not met.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 1 524 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction $375

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes: The Respondent achieved compliance on September 5, 2017, after the Notice of Enforcement dated June 27, 2017.

Violation Subtotal $3,375

Economic Benefit (EB) for this violation

Estimated EB Amount $18

Statutory Limit Test

Violation Final Penalty Total $5,709

This violation Final Assessed Penalty (adjusted for limits) $5,709

Economic Benefit Worksheet

Respondent The Chemours Company FC, LLC
Case ID No. 54745
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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-Mar-2016	5-Sep-2017	1.44	$18	n/a	$18

Notes for DELAYED costs Estimated cost to submit a revised PCC for the July 1, 2015 through February 29, 2016 certification period. The Date Required is the date the certification was due 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 $250

TOTAL $18

Screening Date 7-Jul-2017 **Docket No.** 2017-0991-AIR-E **PCW**

Respondent The Chemours Company FC, LLC *Policy Revision 4 (April 2014)*

Case ID No. 54745 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Austin Henck

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and FOP No. O1961, General Terms and Conditions and Special Terms and Conditions No. 18

Violation Description Failed to submit a PCC no later than 30 days after the end of the certification period. Specifically, the PCC for the January 1, 2016 through February 29, 2016 certification period was due by March 30, 2016, but was not submitted until June 28, 2016.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 1 | 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $267

Statutory Limit Test

Violation Final Penalty Total $6,090

This violation Final Assessed Penalty (adjusted for limits) $6,090

Economic Benefit Worksheet

Respondent The Chemours Company FC, LLC
Case ID No. 54745
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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-Mar-2016	28-Jun-2016	0.25	$3	n/a	$3

Notes for DELAYED costs Estimated cost to submit the PCC for the January 1, 2016 through February 29, 2016 certification period. The Date Required is the date the PCC was due 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]	$250	30-Mar-2016	22-May-2017	1.15	$14	$250	$264
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs Estimated avoided cost to implement measures and/or procedures to ensure PCCs and deviation reports are submitted timely. The Date Required is the date the PCC was due and the Final Date is the record review date.

Approx. Cost of Compliance $500

TOTAL $267

Screening Date 7-Jul-2017 **Docket No.** 2017-0991-AIR-E **PCW**

Respondent The Chemours Company FC, LLC *Policy Revision 4 (April 2014)*

Case ID No. 54745 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Austin Henck

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Tex. Health & Safety Code § 382.085(b), and FOP No. O1961, General Terms and Conditions

Violation Description Failed to submit a deviation report no later than 30 days after the end of the reporting period. Specifically, the deviation report for the January 1, 2016 through February 29, 2016 reporting period was due by March 30, 2016, but was not submitted until June 28, 2016.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 1 | 90 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $6,090

This violation Final Assessed Penalty (adjusted for limits) $6,090

Economic Benefit Worksheet

Respondent The Chemours Company FC, LLC
Case ID No. 54745
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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-Mar-2016	28-Jun-2016	0.25	$3	n/a	$3

Notes for DELAYED costs Estimated cost to submit the deviation report for the January 1, 2016 through February 29, 2016 reporting period. The Date required is the date the deviation report was due 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 See avoided costs in the Economic Benefit for Violation No. 2.

Approx. Cost of Compliance $250

TOTAL $3

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

Compliance History Report for CN604722413, RN100216035, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN604722413, The Chemours Company FC, LLC	**Classification:** SATISFACTORY	**Rating:** 2.44
Regulated Entity:	RN100216035, Chemours Beaumont Aniline Facility	**Classification:** SATISFACTORY	**Rating:** 6.57
Complexity Points:	20	**Repeat Violator:** NO	
CH Group:	05 - Chemical Manufacturing		
Location:	5470 NORTH TWIN CITY HIGHWAY IN NEDERLAND, JEFFERSON COUNTY, TEXAS		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0033C
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008081101
AIR NEW SOURCE PERMITS REGISTRATION 16323
AIR NEW SOURCE PERMITS REGISTRATION 24141
AIR NEW SOURCE PERMITS REGISTRATION 29192
AIR NEW SOURCE PERMITS REGISTRATION 31444
AIR NEW SOURCE PERMITS PERMIT 1743A
AIR NEW SOURCE PERMITS PERMIT 2324
AIR NEW SOURCE PERMITS PERMIT 2672
AIR NEW SOURCE PERMITS PERMIT 3879
AIR NEW SOURCE PERMITS PERMIT 4704
AIR NEW SOURCE PERMITS PERMIT 5310
AIR NEW SOURCE PERMITS PERMIT 6183
AIR NEW SOURCE PERMITS PERMIT 8106
AIR NEW SOURCE PERMITS REGISTRATION 10013
AIR NEW SOURCE PERMITS REGISTRATION 12208
AIR NEW SOURCE PERMITS REGISTRATION 12835
AIR NEW SOURCE PERMITS REGISTRATION 12894
AIR NEW SOURCE PERMITS REGISTRATION 12896
AIR NEW SOURCE PERMITS REGISTRATION 14020
AIR NEW SOURCE PERMITS REGISTRATION 14489
AIR NEW SOURCE PERMITS AFS NUM 4824500003
AIR NEW SOURCE PERMITS REGISTRATION 54296
AIR NEW SOURCE PERMITS REGISTRATION 71369
AIR NEW SOURCE PERMITS REGISTRATION 111977
TAX RELIEF ID NUMBER 17295
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0033C
LEAKING PETROLEUM STORAGE TANKS REMEDIATION ID NUMBER 92317
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50166
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30010
AIR NEW SOURCE PERMITS REGISTRATION 18127
AIR NEW SOURCE PERMITS REGISTRATION 29106
AIR NEW SOURCE PERMITS REGISTRATION 31224
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0033C
AIR NEW SOURCE PERMITS PERMIT 2053
AIR NEW SOURCE PERMITS PERMIT 2340
AIR NEW SOURCE PERMITS PERMIT 3310
AIR NEW SOURCE PERMITS PERMIT 4351A
AIR NEW SOURCE PERMITS PERMIT 4752
AIR NEW SOURCE PERMITS PERMIT 5777
AIR NEW SOURCE PERMITS PERMIT 6301
AIR NEW SOURCE PERMITS PERMIT 8143
AIR NEW SOURCE PERMITS REGISTRATION 11844
AIR NEW SOURCE PERMITS REGISTRATION 12368
AIR NEW SOURCE PERMITS REGISTRATION 12888
AIR NEW SOURCE PERMITS REGISTRATION 12895
AIR NEW SOURCE PERMITS REGISTRATION 13542
AIR NEW SOURCE PERMITS REGISTRATION 14134
AIR NEW SOURCE PERMITS REGISTRATION 75778
AIR NEW SOURCE PERMITS REGISTRATION 71190
AIR NEW SOURCE PERMITS REGISTRATION 52358
AIR NEW SOURCE PERMITS REGISTRATION 54705
AIR NEW SOURCE PERMITS REGISTRATION 111976
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30010
POLLUTION PREVENTION PLANNING ID NUMBER P00189

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: October 5, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 5, 2012 to October 5, 2017

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

Name: Austin Henck **Phone:** (512) 239-6155

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? YES
3) Who is the current owner/operator? E. I. du Pont de Nemours and Company OWNER OPERATOR since 1/1/1800
TEJAS GAS PIPELINE CO OWNER OPERATOR since 10/4/2001
Lucite International, Inc. OWNER OPERATOR since 1/1/1800
The Chemours Company FC, LLC OWNER OPERATOR since 11/20/2014
4) Who was/were the prior owner(s)/operator(s)? The Dow Chemical Company, OWNER OPERATOR, 2/1/2016 to 2/2/2016

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

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

1 Effective Date: 01/12/2013 ADMINORDER 2012-0861-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
SC 1 PERMIT
SC 13 OP
Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)

2 Effective Date: 07/05/2014 ADMINORDER 2014-0041-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 Conditions 1 PERMIT
Special Terms and Conditions 15 OP
Description: Failure to maintain emission rates below the authorized emission limits. Specifically, a leak on the South Reactor Standpipe in the Dehyration Nitration Process caused the unauthorized release of 202 lbs of benzene, 172 lbs of nitrobenzene emissions, and 149 lbs of sulfuric acid.

3 Effective Date: 02/04/2016 ADMINORDER 2015-0595-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 15 OP
Special Condition 17 PERMIT
Description: Failed to conduct monthly VOC monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P. Specifically, the Respondent failed to collect cooling tower water samples that were representative of all return waters from the Aniline Cooling Tower, EPNs ANI-CT208A, ANI-CT208B, and ANI-CT208C, from May 2010 through March 2015.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 01, 2012	(1020444)	Item 14	March 26, 2015	(1229716)
Item 2	August 15, 2012	(1023375)	Item 15	June 02, 2015	(1253584)
Item 3	January 31, 2013	(1054933)	Item 16	June 08, 2015	(1254571)
Item 4	February 22, 2013	(1059559)	Item 17	February 24, 2016	(1313659)
Item 5	July 03, 2013	(1100048)	Item 18	March 08, 2016	(1314559)
Item 6	July 15, 2013	(1099761)	Item 19	March 09, 2016	(1311904)
Item 7	December 16, 2013	(1124248)	Item 20	March 28, 2016	(1322111)
Item 8	February 19, 2014	(1146078)	Item 21	April 15, 2016	(1312754)
Item 9	April 06, 2014	(1156599)	Item 22	May 06, 2016	(1329498)
Item 10	May 12, 2014	(1164854)	Item 23	April 05, 2017	(252758)
Item 11	June 02, 2014	(1171482)	Item 24	April 19, 2017	(1403583)
Item 12	September 15, 2014	(1186435)			
Item 13	February 06, 2015	(1222509)			

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.

N/A

F. Environmental audits:

N/A

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 THE CHEMOURS COMPANY FC, LLC RN100216035	**§ § § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2017-0991-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 The Chemours Company FC, LLC (the "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 owned and operated a chemical manufacturing plant located at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.

3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

4. An administrative penalty in the amount of $17,889 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid $14,312 of the penalty and $3,577 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. 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). 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.

6. 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 Order.

7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Executive Director recognizes that the Respondent implemented the following actions at the Plant:

   a. On March 1, 2016, transferred ownership of the Plant;

   b. On June 28, 2016, submitted the permit compliance certification ("PCC") for the January 1, 2016 through February 29, 2016 certification period and the deviation report for the January 1, 2016 through February 29, 2016 reporting period; and

   c. On September 5, 2017, submitted a revised PCC for the July 1, 2015 through February 29, 2016 certification period.

II. ALLEGATIONS

During a record review conducted on May 22, 2017, an investigator documented that the Respondent:

1. Failed to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1961, General Terms and Conditions and Special Terms and Conditions No. 18. Specifically, the Respondent transferred ownership of the Plant on March 1, 2016 and submitted a final PCC for the January 1, 2016 through February 29, 2016 certification period, but did not certify compliance with the terms and conditions of FOP No. O1961 for the July 1, 2015 through December 31, 2015 certification period.

2. Failed to submit a PCC no later than 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1961, General Terms and Conditions and Special Terms and Conditions No. 18. Specifically, the PCC for the January 1, 2016 through

February 29, 2016 certification period was due by March 30, 2016, but was not submitted until June 28, 2016.

3. Failed to submit a deviation report no later than 30 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1961, General Terms and Conditions. Specifically, the deviation report for the January 1, 2016 through February 29, 2016 reporting period was due by March 30, 2016, but was not submitted until June 28, 2016.

III. DENIALS

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

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Chemours Company FC, LLC, Docket No. 2017-0991-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. All relief not expressly granted in this Order is denied.

3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent.

4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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.

5. This 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 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.

6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

7. 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 — Date: 6/29/18

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 — Date: OCTOBER 30, 2017

Name (Printed or typed): CHRISTIAN SIEMER
Authorized Representative of
The Chemours Company FC, LLC

Title: PRESIDENT, CHEMICAL SOLUTIONS

☐ *If mailing address has changed, please check this box and provide the new address below:*

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