

Executive Summary – Enforcement Matter – Case No. 57933
INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l.
RN102663671
Docket No. 2019-1004-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – PST, WDW

Small Business:

No

Location(s) Where Violation(s) Occurred:

INV Nylon Chemicals Americas Victoria Site, 2695 Old Bloomington Road North,
Victoria, Victoria County

Type of Operation:

Chemical manufacturing plant and fleet refueling facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2024-1502-AIR-E,
2024-0737-AIR-E, and 2022-0633-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 29, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$131,168

Amount Deferred for Expedited Settlement: \$26,232

Total Paid to General Revenue: \$52,468

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$52,468

Name of SEP: The Guadalupe-Blanco River Trust (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

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 1, 2019, October 30, 2019, and June 26, 2020 through
July 10, 2020

Date(s) of NOE(s): June 26, 2019, December 12, 2019, and August 26, 2020

Executive Summary – Enforcement Matter – Case No. 57933
INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l.
RN102663671
Docket No. 2019-1004-MLM-E

Violation Information

1. Failed to keep complete and accurate records of all monitoring according to permit requirements. Specifically, the waste disposal well (“WDW”) 004, WDW030, WDW106, and WDW144 2nd Quarter 2017 Injection Reports did not contain accurate values for the minimum pH and the maximum pH. Additionally, the number of differential pressure exceedances were incorrectly reported for the WDW004 1st Quarter 2017 Injection Report, the WDW030 4th Quarter 2017 Injection Report and the 2nd Quarter 2018 Injection Report, the WDW106 2nd Quarter 2017 Injection Report, and the WDW144 1st Quarter 2017 Injection Report [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.67(a) and Underground Injection Control (“UIC”) Permit Nos. WDW004, WDW030, WDW106, and WDW144, Permit Provision (“PP”) IX. Record Keeping Requirements].
2. Failed to properly maintain and use continuous recording devices to record the injection pressure at WDW004 and WDW144. Specifically, a freeze event occurred on January 7, 2017 and well data was not recorded one time (4 hours and 30 minutes) for WDW004 and two times (1 hour and 45 minutes and 2 hours) for WDW144 [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.64(d), 40 Code of Federal Regulations (“CFR”) § 146.67(f), and UIC Permit Nos. WDW004 and WDW144, PP VIII.A. Monitoring and Testing Requirements].
3. Failed to maintain an annulus pressure of at least 100 pounds per square inch gauge (“psig”) greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones. Specifically, the annulus differential pressure dropped below 100 psig on March 30, 2019 (lowest pressure recorded -110 psig) for a total of 107 minutes for WDW004 [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.63(e), 40 CFR § 146.67(c), and UIC Permit No. WDW004, PP VII.E. Operating Parameters].
4. Failed to maintain any chemical or physical characteristic of the injected fluids within specified permit limits. Specifically, the injected waste streams exceeded the pH maximum of 12.5 for WDW004 on February 11, 2018 (pH 13), August 30, 2018 (pH 12.8), and December 7, 2018 (pH 12.8); for WDW106 on January 8, 2019 (pH 13.1) and January 21, 2019 (pH 12.9); and for WDW144 on August 30, 2018 (pH 12.8). Additionally, WDW030 was below the pH minimum of 1.0 on January 14, 2019 (pH 0.5) and January 15, 2019 (pH 0.5) [30 TEX. ADMIN. CODE §§ 331.63(h) and 305.125(1) and UIC Permit Nos. WDW004, WDW030, WDW106, and WDW144, PP V.C. Character of the Waste Streams].
5. Failed to maintain an operating wellhead injection pressure that does not exceed the permitted maximum. Specifically, the operating surface wellhead injection pressure reached 1,050.656 psig in WDW030 on June 22, 2018 which exceeded the permitted maximum of 900 psig [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.63(c), 40 CFR § 146.67(a), and UIC Permit No. WDW030, PP VII.B Operating Parameters].

Executive Summary – Enforcement Matter – Case No. 57933
INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l.
RN102663671
Docket No. 2019-1004-MLM-E

6. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping tightness tests [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].

7. Failed to maintain any chemical or physical characteristic of the injected fluids within specified permit limits. Specifically, the injected waste streams exceeded the pH maximum of 12.5 for WDW105 on September 11, 2017 (pH 12.8), September 12, 2017 (pH 13.0), September 13, 2017 (pH 12.6), September 17, 2017 (pH 12.6), January 8, 2019 (pH 13.1), January 21, 2019 (pH 12.9), and February 1, 2020 (pH 12.6); for WDW142 on July 20, 2017 (pH 12.7), July 22, 2017 (pH 13.1), July 23, 2017 (pH 12.7), February 11, 2018 (pH 13.0), and December 7, 2018 (pH 12.8); and for WDW143 a total of 80 times from July 2017 to November 2018. Additionally, the injected waste streams were below the pH minimum of 1.0 for WDW028 on January 14, 2019 (pH 0.5) and January 15, 2019 (pH 0.5) [30 TEX. ADMIN. CODE §§ 331.63(h) and 305.125(1) and UIC Permit Nos. WDW028, WDW105, WDW142, and WDW143, PP V.C. Character of the Waste Streams].

8. Failed to ensure the corrosion monitoring test used materials identical to those used in the construction of the well, and that those materials are continuously exposed to the operating pressures and temperatures (measured at the wellhead) and flow rates of the injection operation. Specifically, the corrosion coupons for WDW143 were not continuously exposed to the waste fluids, operating pressures, temperatures, and flow rates of the injection operation on July 19, 2018 through July 26, 2018 and July 22, 2019 through August 20, 2019 [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.64(g)(2) and UIC Permit No. WDW143, PP VIII.H Monitoring and Testing Requirements].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Received approval for permit amendments that updated the pH limits for WDW143 by January 17, 2019 and WDW028, WDW105, and WDW142 by September 22, 2022;
- b. Revised the WDW004, WDW030, WDW106, and WDW144 1st, 2nd, and 4th Quarter 2017 Injection Reports and the WDW004 2nd Quarter 2018 Injection Report by June 7, 2019;
- c. Updated procedures and trained operators/personnel to ensure continuous recording devices are maintained and used at the Facility for WDW004 and WDW144 by August 16, 2019;
- d. Developed and implemented procedures designed to ensure the annulus differential pressure is maintained at 100 psig or greater for WDW004 on August 16, 2019;

Executive Summary – Enforcement Matter – Case No. 57933
INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l.
RN102663671
Docket No. 2019-1004-MLM-E

e. Developed and implemented procedures designed to ensure chemical and physical characteristics of injected fluids are maintained within permit limits for WDW004, WDW030, WDW106, and WDW144 by August 16, 2019;

f. Developed and implemented procedures to ensure wellhead injection pressures do not exceed permitted maximums for WDW030 on August 16, 2019; and

g. Conducted the annual line leak detector and piping tightness tests with passing results by November 4, 2019.

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, develop and implement procedures designed to ensure that corrosion coupons for WDW143 will be continuously exposed to waste fluids; and

b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Stephanie McCurley, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2607; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: The Guadalupe-Blanco River Trust, 933 East Court Street, Seguin, Texas 78155

Respondent: Adam Remlinger, Plant Manager, INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l., 2695 Old Bloomington Road North, Victoria, Texas 77905

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	1-Jul-2019	Screening	3-Jul-2019	EPA Due	27-Dec-2019
	PCW	26-Jun-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)				
Reg. Ent. Ref. No.	RN102663671				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	57933	No. of Violations	5
Docket No.	2019-1004-MLM-E	Order Type	1660
Media Program(s)	Underground Injection Control	Government/Non-Profit	No
Multi-Media	Petroleum Storage Tank	Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$49,750
---	-------------------	-----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	21.0%	Adjustment	Subtotals 2, 3, & 7	\$10,447
---------------------------	--------------	-------------------	--------------------------------	-----------------

Notes

Enhancement for two NOVs with dissimilar violations, one Order containing a denial of liability, and one Order without a denial of liability.
Reduction for ten notices of intent to conduct an audit and nine 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	-\$5,125
--	-------------------	-----------------

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

Total EB Amounts
Estimated Cost of Compliance

\$182
#NAME?

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$55,072
-----------------------------	-----------------------	-----------------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$55,072
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$55,072
-----------------------------------	-------------------------------	-----------------

DEFERRAL	20.0%	Reduction	Adjustment	-\$11,014
-----------------	--------------	------------------	-------------------	------------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$44,058
------------------------	-----------------

Screening Date	3-Jul-2019	Docket No.	2019-1004-MLM-E	PCW
Respondent Case ID No.	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)			
Reg. Ent. Reference No.	57933			
Media	RN102663671			
Enf. Coordinator	Underground Injection Control			
	Stephanie McCurley			

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

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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>)	10	-10%
	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>)	9	-18%
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) 21%

>> 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 dissimilar violations, one Order containing a denial of liability, and one Order without a denial of liability. Reduction for ten notices of intent to conduct an audit and nine disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 21%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 21%

Screening Date	3-Jul-2019	Docket No.	2019-1004-MLM-E	PCW																
	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)																			
Respondent Case ID No.	57933	<i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>																		
Reg. Ent. Reference No.	RN102663671																			
Media	Underground Injection Control																			
Enf. Coordinator	Stephanie McCurley																			
Violation Number	1																			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 331.67(a) and Underground Injection Control ("UIC") Permit Nos. Waste Disposal Well ("WDW") 004, WDW030, WDW106, and WDW144, Permit Provision ("PP") IX. Record Keeping Requirements																			
Violation Description	Failed to keep complete and accurate records of all monitoring according to permit requirements. Specifically, the WDW004, WDW030, WDW106, and WDW144 2nd Quarter 2017 Injection Reports did not contain accurate values for the minimum pH and the maximum pH. Additionally, the number of differential pressure exceedances were incorrectly reported for the WDW004 1st Quarter 2017 Injection Report, the WDW030 4th Quarter 2017 Injection Report and the 2nd Quarter 2018 Injection Report, the WDW106 2nd Quarter 2017 Injection Report, and the WDW144 1st Quarter 2017 Injection Report.																			
		Base Penalty	\$25,000																	
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual				Potential			
		Harm																		
	Release	Major	Moderate	Minor																
Actual																				
Potential																				
				Percent 0.0%																
>> Programmatic Matrix																				
Matrix Notes	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table>					Major	Moderate	Minor	Falsification			x								
		Major	Moderate	Minor																
	Falsification			x																
				Percent 1.0%																
				Adjustment \$24,750																
				\$250																
Violation Events																				
Number of Violation Events		4	37	Number of violation days																
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>			daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																				
weekly																				
monthly																				
quarterly																				
semiannual																				
annual																				
single event	x																			
		Violation Base Penalty \$1,000																		
		Four single events are recommended (one for each well).																		
Good Faith Efforts to Comply		25.0%	Reduction \$250																	
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV</td> <td style="text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> <td></td> </tr> </table>				Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary	x		N/A						
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary	x																			
N/A																				
Notes		The Respondent came into compliance on June 7, 2019 prior to the Notice of Enforcement ("NOE") dated June 26, 2019.																		
		Violation Subtotal \$750																		
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount		\$3	Violation Final Penalty Total \$960																	
		This violation Final Assessed Penalty (adjusted for limits) \$960																		

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$500	1-May-2019	7-Jun-2019	0.10	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to revise the WDW004, WDW030, WDW106, and WDW144 1st, 2nd, and 4th Quarter 2017 Injection Reports and the WDW004 2nd Quarter 2018 Injection Report. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$3

Screening Date	3-Jul-2019	Docket No.	2019-1004-MLM-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)			
Case ID No.	57933	<i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN102663671			
Media	Underground Injection Control			
Enf. Coordinator	Stephanie McCurley			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 331.64(d), 40 Code of Federal Regulations ("CFR") § 146.67(f) and UIC Permit Nos. WDW004 and WDW144, PP VIII.A. Monitoring and Testing Requirements			
Violation Description	Failed to properly maintain and use continuous recording devices to record the injection pressure at WDW004 and WDW144. Specifically, a freeze event occurred on January 7, 2017 and well data was not recorded one time (4 hours and 30 minutes) for WDW004 and two times (1 hour and 45 minutes and 2 hours) for WDW144.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				Percent	0.0%

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

Adjustment	\$21,250
\$3,750	

Violation Events

Number of Violation Events	3	Number of violation days	3														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
Violation Base Penalty			\$11,250														

Three single events are recommended (one for each failure to record well data).

Good Faith Efforts to Comply

	10.0%			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Reduction	\$1,125
Extraordinary				
Ordinary		x		
N/A				
Notes	The Respondent came into compliance on August 16, 2019 after the NOE dated June 26, 2019.			
Violation Subtotal				\$10,125

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$65
Violation Final Penalty Total	
\$12,488	
This violation Final Assessed Penalty (adjusted for limits)	
\$12,488	

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$500	7-Jan-2017	16-Aug-2019	2.61	\$65	n/a	\$65
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 delayed cost to update procedures and train operators/personnel to ensure continuous recording devices are maintained and used at the Facility. The Date Required is the date recording devices stopped working and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$65

Screening Date 3-Jul-2019 **Docket No.** 2019-1004-MLM-E
INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)
Respondent
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Enf. Coordinator Stephanie McCurley

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 331.63(e), 40 CFR § 146.67(c), and UIC Permit No. WDW004, PP VII.E. Operating Parameters

Violation Description

Failed to maintain an annulus pressure of at least 100 pounds per square inch gauge ("psig") greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones. Specifically, the annulus differential pressure dropped below 100 psig on March 30, 2019 (lowest pressure recorded -110 psig) for a total of 107 minutes for WDW004.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

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

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent came into compliance on August 16, 2019 after the NOE dated June 26, 2019.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$8,325

This violation Final Assessed Penalty (adjusted for limits) \$8,325

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$500	30-Mar-2019	16-Aug-2019	0.38	\$10	n/a	\$10
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 delayed cost to develop and implement procedures designed to ensure the annulus differential pressure is maintained at 100 psig or greater. The Date Required is the date the annulus differential pressure dropped below 100 psig and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$10

Screening Date 3-Jul-2019 **Docket No.** 2019-1004-MLM-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Enf. Coordinator Stephanie McCurley

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

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 331.63(h) and 305.125(1) and UIC Permit Nos. WDW004, WDW030, WDW106, and WDW144, PP V.C. Character of the Waste Streams

Violation Description

Failed to maintain any chemical or physical characteristic of the injected fluids within specified permit limits. Specifically, the injected waste streams exceeded the pH maximum of 12.5 for WDW004 on February 11, 2018 (pH 13), August 30, 2018 (pH 12.8), and December 7, 2018 (pH 12.8); for WDW106 on January 8, 2019 (pH 13.1) and January 21, 2019 (pH 12.9); and for WDW144 on August 30, 2018 (pH 12.8). Additionally, WDW030 was below the pH minimum of 1.0 on January 14, 2019 (pH 0.5) and January 15, 2019 (pH 0.5).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Harm Moderate	Minor
Release Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 6 507 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six quarterly events are recommended from the February 11, 2018 first instance of the violation to the July 3, 2019 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$2,250

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

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent came into compliance on August 16, 2019 after the NOE dated June 26, 2019.

Violation Subtotal \$20,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$75

Violation Final Penalty Total \$24,975

This violation Final Assessed Penalty (adjusted for limits) \$24,975

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$1,000	11-Feb-2018	16-Aug-2019	1.51	\$75	n/a	\$75
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 delayed cost to develop and implement procedures designed to ensure chemical and physical characteristics of injected fluids are maintained within permit limits. The Date Required is the first date the pH was outside the permitted range and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$75

Screening Date 3-Jul-2019
Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Enf. Coordinator Stephanie McCurley

Docket No. 2019-1004-MLM-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 331.63(c), 40 CFR § 146.67(a), and UIC Permit No. WDW030, PP VII.B Operating Parameters

Violation Description

Failed to maintain an operating wellhead injection pressure that does not exceed the permitted maximum. Specifically, the operating surface wellhead injection pressure reached 1,050.656 psig in WDW030 on June 22, 2018 which exceeded the permitted maximum of 900 psig.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

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

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent came into compliance on August 16, 2019 after the NOE dated June 26, 2019.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$8,325

This violation Final Assessed Penalty (adjusted for limits) \$8,325

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 1 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$500	22-Jun-2018	16-Aug-2019	1.15	\$29	n/a	\$29
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 delayed cost to develop and implement procedures to ensure wellhead injection pressures do not exceed permitted maximums. The Date Required is the exceedance date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$29



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	16-Dec-2019	Screening	20-Dec-2019	EPA Due	
	PCW	26-Jun-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 2 of 3)				
Reg. Ent. Ref. No.	RN102663671				
Facility/Site Region	14-Corpus Christi		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	57933	No. of Violations	1
Docket No.	2019-1004-MLM-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media	Underground Injection Control	Enf. Coordinator	Stephanie McCurley
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	21.0%	Adjustment	Subtotals 2, 3, & 7	\$787
---------------------------	--------------	-------------------	--------------------------------	-------

Notes: Enhancement for two NOVs with dissimilar violations, one Order containing a denial of liability, and one Order without a denial of liability. Reduction for ten notices of intent to conduct an audit and nine 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	-\$937
--	-------------------	--------

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

Total EB Amounts \$234
Estimated Cost of Compliance \$223
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,600
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	6.5%	Adjustment	\$234
---	-------------	-------------------	-------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost associated with the violation.

Final Penalty Amount	\$3,834
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,834
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0%	Reduction	Adjustment	-\$766
-----------------	--------------	------------------	-------------------	--------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,068
------------------------	---------

Screening Date	20-Dec-2019	Docket No.	2019-1004-MLM-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 2 of 3)			Policy Revision 4 (April 2014)
Case ID No.	57933			PCW Revision March 26, 2014
Reg. Ent. Reference No.	RN102663671			
Media	Petroleum Storage Tank			
Enf. Coordinator	Stephanie McCurley			

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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>)	10	-10%
	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>)	9	-18%
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) 21%

>> 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 dissimilar violations, one Order containing a denial of liability, and one Order without a denial of liability. Reduction for ten notices of intent to conduct an audit and nine disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 21%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 21%

Screening Date	20-Dec-2019	Docket No.	2019-1004-MLM-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 2 of 3)			
Case ID No.	57933	<i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN102663671			
Media	Petroleum Storage Tank			
Enf. Coordinator	Stephanie McCurley			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)			
Violation Description	Failed to provide release detection for the pressurized piping associated with the underground storage tank ("UST") system. Specifically, the Respondent did not conduct the annual line leak detector and piping tightness tests.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
---------------------	--

Adjustment	\$21,250
\$3,750	

Violation Events

Number of Violation Events	1	Number of violation days	12
----------------------------	---	--------------------------	----

	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

	25.0%			Reduction	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary					
Ordinary	x				
N/A					
Notes	The Respondent came into compliance on November 4, 2019 prior to the Notice of Enforcement dated December 12, 2019.				
Violation Subtotal					\$2,813

Economic Benefit (EB) for this violation

Estimated EB Amount	\$234	Statutory Limit Test	
		Violation Final Penalty Total	\$3,835
		This violation Final Assessed Penalty (adjusted for limits)	\$3,835

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 2 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE 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	\$118	13-Dec-2017	4-Nov-2019	1.89	\$11	\$223	\$234
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual piping tightness and line leak detector tests. The Date Required is the date the last test expired and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$223

TOTAL

\$234



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	31-Aug-2020	Screening	1-Sep-2020	EPA Due	7-Mar-2021
	PCW	26-Jun-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 3 of 3)				
Reg. Ent. Ref. No.	RN102663671				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	57933	No. of Violations	2
Docket No.	2019-1004-MLM-E	Order Type	1660
Media Program(s)	Underground Injection Control	Government/Non-Profit	No
Multi-Media	Petroleum Storage Tank	Enf. Coordinator	Stephanie McCurley
		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	\$63,750
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	21.0%	Adjustment	Subtotals 2, 3, & 7	\$13,387
---------------------------	-------	-------------------	--------------------------------	----------

Notes: Enhancement for two NOVs with dissimilar violations, one Order containing a denial of liability, and one Order without a denial of liability. Reduction for ten notices of intent to conduct an audit and nine 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	-\$4,875
--	-------------------	----------

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

Total EB Amounts: \$560
Estimated Cost of Compliance: #NAME?
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$72,262
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$72,262
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$72,262
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$14,452
-----------------	-------	------------------	-------------------	-----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$57,810
------------------------	----------

Screening Date	1-Sep-2020	Docket No.	2019-1004-MLM-E	PCW
Respondent Case ID No.	57933	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 3 of 3)		
Reg. Ent. Reference No.	RN102663671			
Media	Underground Injection Control			
Enf. Coordinator	Stephanie McCurley			

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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>)	10	-10%
	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>)	9	-18%
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) 21%

>> 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 dissimilar violations, one Order containing a denial of liability, and one Order without a denial of liability. Reduction for ten notices of intent to conduct an audit and nine disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 21%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 21%

Screening Date	1-Sep-2020	Docket No.	2019-1004-MLM-E	PCW																					
Respondent	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 3 of 3)																								
Case ID No.	57933	<i>Policy Revision 4 (April 2014)</i>																							
Reg. Ent. Reference No.	RN102663671	<i>PCW Revision March 26, 2014</i>																							
Media	Underground Injection Control																								
Enf. Coordinator	Stephanie McCurley																								
Violation Number	1																								
Rule Cite(s)	30 Tex. Admin. Code §§ 331.63(h) and 305.125(1) and UIC Permit Nos. Waste Disposal Well ("WDW") 028, WDW105, WDW142, and WDW143, PP V.C. Character of the Waste Streams																								
Violation Description	Failed to maintain any chemical or physical characteristic of the injected fluids within specified permit limits. Specifically, the injected waste streams exceeded the pH maximum of 12.5 for WDW105 on September 11, 2017 (pH 12.8), September 12, 2017 (pH 13.0), September 13, 2017 (pH 12.6), September 17, 2017 (pH 12.6), January 8, 2019 (pH 13.1), January 21, 2019 (pH 12.9), and February 1, 2020 (pH 12.6); for WDW142 on July 20, 2017 (pH 12.7), July 22, 2017 (pH 13.1), July 23, 2017 (pH 12.7), February 11, 2018 (pH 13.0), and December 7, 2018 (pH 12.8); and for WDW143 a total of 80 times from July 2017 to November 2018. Additionally, the injected waste streams were below the pH minimum of 1.0 for WDW028 on January 14, 2019 (pH 0.5) and January 15, 2019 (pH 0.5).																								
Base Penalty				\$25,000																					
>> Environmental, Property and Human Health Matrix																									
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>					Harm				Major	Moderate	Minor	Release				Actual				Potential		x		Percent 15.0%
		Harm																							
	Major	Moderate	Minor																						
Release																									
Actual																									
Potential		x																							
>> Programmatic Matrix																									
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td></td> <td></td> <td></td> </tr> </table>					Major	Moderate	Minor	Falsification				Percent 0.0%												
		Major	Moderate	Minor																					
Falsification																									
Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																									
Adjustment				\$21,250																					
				\$3,750																					
Violation Events																									
Number of Violation Events		13	1158	Number of violation days																					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty \$48,750									
daily																									
weekly																									
monthly																									
quarterly	x																								
semiannual																									
annual																									
single event																									
Thirteen quarterly events are recommended from the July 1, 2017 first instance of the violation to the September 1, 2020 screening date.																									
Good Faith Efforts to Comply		10.0%	Reduction \$4,875																						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV</td> <td style="text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> <td></td> </tr> </table>					Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary		x	N/A											
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																							
Extraordinary																									
Ordinary		x																							
N/A																									
Notes		The Respondent came into compliance on September 22, 2022, after the Notice of Enforcement dated August 26, 2020.																							
Violation Subtotal				\$43,875																					
Economic Benefit (EB) for this violation		Statutory Limit Test																							
Estimated EB Amount		\$386	Violation Final Penalty Total	\$54,113																					
This violation Final Assessed Penalty (adjusted for limits)				\$54,113																					

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 3 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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
Permit Costs	\$500	20-Jul-2017	22-Sep-2022	5.18	\$129	n/a	\$129
Permit Costs	\$500	1-Jul-2017	17-Jan-2019	1.55	\$39	n/a	\$39
Permit Costs	\$500	11-Sep-2017	22-Sep-2022	5.03	\$126	n/a	\$126
Permit Costs	\$500	14-Jan-2019	22-Sep-2022	3.69	\$92	n/a	\$92

Notes for DELAYED costs

Estimated delayed cost to amend the permits to update the pH limits for WDW028, WDW105, WDW142, and WDW143. The Dates Required are the dates the first pH exceedances were reported and the Final Dates are the dates of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$386

Screening Date	1-Sep-2020	Docket No.	2019-1004-MLM-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 3 of 3)			
Case ID No.	57933	Policy Revision 4 (April 2014)		
Reg. Ent. Reference No.	RN102663671	PCW Revision March 26, 2014		
Media	Underground Injection Control			
Enf. Coordinator	Stephanie McCurley			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 331.64(g)(2) and UIC Permit No. WDW143, PP VIII.H Monitoring and Testing Requirements			
Violation Description	Failed to ensure the corrosion monitoring test used materials identical to those used in the construction of the well, and that those materials are continuously exposed to the operating pressures and temperatures (measured at the wellhead) and flow rates of the injection operation. Specifically, the corrosion coupons for WDW143 were not continuously exposed to the waste fluids, operating pressures, temperatures, and flow rates of the injection operation on July 19, 2018 through July 26, 2018 and July 22, 2019 through August 20, 2019.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential	x			Percent	30.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0.0%

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.	
Adjustment		\$17,500

\$7,500

Violation Events

Number of Violation Events	2	Number of violation days	2														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
Violation Base Penalty			\$15,000														

Two single events are recommended (one for each test period).

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			\$15,000	

Economic Benefit (EB) for this violation

	Statutory Limit Test	
Estimated EB Amount	\$174	
	Violation Final Penalty Total	\$18,150
This violation Final Assessed Penalty (adjusted for limits)		\$18,150

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (PCW No. 3 of 3)
Case ID No. 57933
Reg. Ent. Reference No. RN102663671
Media Underground Injection Control
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	19-Jul-2018	27-Jun-2025	6.95	\$174	n/a	\$174
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 delayed cost to develop and implement procedures designed to ensure that corrosion coupons for WDW143 will be continuously exposed to waste fluids. The Date Required is the start date of the first test and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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			0.00	\$0	\$0	\$0
ONE-TIME avoided costs			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$174



Compliance History Report

Compliance History Report for CN605811850, RN102663671, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN605811850, INV Nylon Chemicals Americas, LLC	Classification:	SATISFACTORY	Rating:	2.98
Regulated Entity:	RN102663671, INV Nylon Chemicals Americas Victoria Site	Classification:	SATISFACTORY	Rating:	3.19
Complexity Points:	53	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	2695 Old Bloomington Road North in Victoria, Victoria County, Texas				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER VCA001A
AIR OPERATING PERMITS PERMIT 1415
AIR OPERATING PERMITS PERMIT 1902
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2350014

AIR NEW SOURCE PERMITS PERMIT 810
AIR NEW SOURCE PERMITS PERMIT 813
AIR NEW SOURCE PERMITS REGISTRATION 7873
AIR NEW SOURCE PERMITS PERMIT 23271
AIR NEW SOURCE PERMITS REGISTRATION 37067
AIR NEW SOURCE PERMITS REGISTRATION 43502
AIR NEW SOURCE PERMITS REGISTRATION 47610

AIR NEW SOURCE PERMITS REGISTRATION 166294
AIR NEW SOURCE PERMITS REGISTRATION 71504
AIR NEW SOURCE PERMITS REGISTRATION 56688
AIR NEW SOURCE PERMITS REGISTRATION 73898
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1079
AIR NEW SOURCE PERMITS REGISTRATION 92605
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1079M1
AIR NEW SOURCE PERMITS REGISTRATION 96200
AIR NEW SOURCE PERMITS REGISTRATION 98317
AIR NEW SOURCE PERMITS REGISTRATION 99179
AIR NEW SOURCE PERMITS REGISTRATION 105010
AIR NEW SOURCE PERMITS REGISTRATION 119719
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1079M2
AIR NEW SOURCE PERMITS REGISTRATION 108018
AIR NEW SOURCE PERMITS REGISTRATION 138475
AIR NEW SOURCE PERMITS REGISTRATION 115101
AIR NEW SOURCE PERMITS REGISTRATION 122060
AIR NEW SOURCE PERMITS REGISTRATION 106823
AIR NEW SOURCE PERMITS REGISTRATION 128539
AIR NEW SOURCE PERMITS REGISTRATION 107096
AIR NEW SOURCE PERMITS REGISTRATION 112388
AIR NEW SOURCE PERMITS REGISTRATION 154387
AIR NEW SOURCE PERMITS REGISTRATION 154192
AIR NEW SOURCE PERMITS PERMIT AMOC64
AIR NEW SOURCE PERMITS REGISTRATION 162811
AIR NEW SOURCE PERMITS REGISTRATION 162330
AIR NEW SOURCE PERMITS REGISTRATION 167794

AIR OPERATING PERMITS ACCOUNT NUMBER VC0008Q
AIR OPERATING PERMITS PERMIT 1867
AIR OPERATING PERMITS PERMIT 1904
AIR NEW SOURCE PERMITS PERMIT 809
AIR NEW SOURCE PERMITS PERMIT 812
AIR NEW SOURCE PERMITS PERMIT 7186
AIR NEW SOURCE PERMITS PERMIT 9560
AIR NEW SOURCE PERMITS PERMIT 31376
AIR NEW SOURCE PERMITS REGISTRATION 43301
AIR NEW SOURCE PERMITS REGISTRATION 43501
AIR NEW SOURCE PERMITS ACCOUNT NUMBER VC0008Q

AIR NEW SOURCE PERMITS AFS NUM 4846900001
AIR NEW SOURCE PERMITS REGISTRATION 71789
AIR NEW SOURCE PERMITS REGISTRATION 73896
AIR NEW SOURCE PERMITS REGISTRATION 76575
AIR NEW SOURCE PERMITS REGISTRATION 80416L
AIR NEW SOURCE PERMITS REGISTRATION 93064
AIR NEW SOURCE PERMITS REGISTRATION 91536
AIR NEW SOURCE PERMITS REGISTRATION 102817
AIR NEW SOURCE PERMITS REGISTRATION 109746
AIR NEW SOURCE PERMITS REGISTRATION 141367
AIR NEW SOURCE PERMITS REGISTRATION 131067
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX129
AIR NEW SOURCE PERMITS REGISTRATION 122193
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX145
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1416
AIR NEW SOURCE PERMITS REGISTRATION 122233
AIR NEW SOURCE PERMITS REGISTRATION 136474
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1448
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX13
AIR NEW SOURCE PERMITS REGISTRATION 134439
AIR NEW SOURCE PERMITS PERMIT AMOC58
AIR NEW SOURCE PERMITS REGISTRATION 151197
AIR NEW SOURCE PERMITS REGISTRATION 151513
AIR NEW SOURCE PERMITS REGISTRATION 167926
AIR NEW SOURCE PERMITS REGISTRATION 167600
AIR NEW SOURCE PERMITS REGISTRATION 163343
AIR NEW SOURCE PERMITS REGISTRATION 166572

AIR NEW SOURCE PERMITS REGISTRATION 163344
AIR NEW SOURCE PERMITS REGISTRATION 169119
AIR NEW SOURCE PERMITS REGISTRATION 168709
AIR NEW SOURCE PERMITS REGISTRATION 163531
AIR NEW SOURCE PERMITS REGISTRATION 163730
AIR NEW SOURCE PERMITS REGISTRATION 163880
AIR NEW SOURCE PERMITS REGISTRATION 166286
AIR NEW SOURCE PERMITS REGISTRATION 163729
AIR NEW SOURCE PERMITS REGISTRATION 162917
AIR NEW SOURCE PERMITS REGISTRATION 147180

AIR NEW SOURCE PERMITS REGISTRATION 146876
AIR NEW SOURCE PERMITS REGISTRATION 156653
AIR NEW SOURCE PERMITS REGISTRATION 160761
AIR NEW SOURCE PERMITS REGISTRATION 155252
AIR NEW SOURCE PERMITS REGISTRATION 157983
AIR NEW SOURCE PERMITS REGISTRATION 169118
AIR NEW SOURCE PERMITS REGISTRATION 171805
AIR NEW SOURCE PERMITS REGISTRATION 172334
AIR NEW SOURCE PERMITS REGISTRATION 174442
AIR NEW SOURCE PERMITS REGISTRATION 174998
AIR NEW SOURCE PERMITS REGISTRATION 172762

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 24717

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30079

UNDERGROUND INJECTION CONTROL PERMIT WDW004

UNDERGROUND INJECTION CONTROL PERMIT WDW029

UNDERGROUND INJECTION CONTROL PERMIT WDW105

UNDERGROUND INJECTION CONTROL PERMIT WDW142

UNDERGROUND INJECTION CONTROL PERMIT WDW144

WASTEWATER PERMIT WQ0000476000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER VC0008Q

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000057968

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50056

TAX RELIEF ID NUMBER 16591

TAX RELIEF ID NUMBER 16929

TAX RELIEF ID NUMBER 23356

TAX RELIEF ID NUMBER 20129

TAX RELIEF ID NUMBER 18582

TAX RELIEF ID NUMBER 16592

AIR NEW SOURCE PERMITS REGISTRATION 163737

AIR NEW SOURCE PERMITS REGISTRATION 163502

AIR NEW SOURCE PERMITS REGISTRATION 164298

AIR NEW SOURCE PERMITS REGISTRATION 168055

AIR NEW SOURCE PERMITS REGISTRATION 163501

AIR NEW SOURCE PERMITS REGISTRATION 165831

AIR NEW SOURCE PERMITS REGISTRATION 163030

AIR NEW SOURCE PERMITS REGISTRATION 163881

AIR NEW SOURCE PERMITS REGISTRATION 146503

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX145M1

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX160

AIR NEW SOURCE PERMITS REGISTRATION 160437

AIR NEW SOURCE PERMITS REGISTRATION 160438

AIR NEW SOURCE PERMITS REGISTRATION 154311

AIR NEW SOURCE PERMITS REGISTRATION 156654

AIR NEW SOURCE PERMITS REGISTRATION 174702

AIR NEW SOURCE PERMITS REGISTRATION 172447

AIR NEW SOURCE PERMITS REGISTRATION 175397

AIR NEW SOURCE PERMITS REGISTRATION 169856

AIR NEW SOURCE PERMITS REGISTRATION 172333

AIR NEW SOURCE PERMITS REGISTRATION 173667

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 90505

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 87449

UNDERGROUND INJECTION CONTROL PERMIT WDW028

UNDERGROUND INJECTION CONTROL PERMIT WDW030

UNDERGROUND INJECTION CONTROL PERMIT WDW106

UNDERGROUND INJECTION CONTROL PERMIT WDW143

STORMWATER PERMIT TXRNEBT37

WASTEWATER EPA ID TX0006050

POLLUTION PREVENTION PLANNING ID NUMBER P06852

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50393

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 87449

TAX RELIEF ID NUMBER 20128

TAX RELIEF ID NUMBER 17849

TAX RELIEF ID NUMBER 16589

TAX RELIEF ID NUMBER 16734

TAX RELIEF ID NUMBER 16590

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: February 26, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 26, 2019 to February 26, 2024

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

Name: Stephanie McCurley

Phone: (512) 239-2607

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? Inv Performance Surfaces, LLC OWNER OPERATOR since 4/30/2004
 Eidp, Inc. OWNER OPERATOR since 1/1/1800
 Equistar Chemicals, LP OPERATOR since 1/1/1800
 Rexco, Inc. OPERATOR since 1/18/2006
 Opal Group, Inc. OPERATOR since 1/22/2016
 G.S.D. Trading U.S.A., Inc. OPERATOR since 7/6/2018
 INV Nylon Chemicals Americas, LLC OWNER OPERATOR since 9/9/2020
 New Distributing Co., Inc. OWNER OPERATOR since 3/25/2019
- 4) Who was/were the prior owner(s)/operator(s)? Unbridled Resources, LLC, OWNER, 11/23/2020 to 11/23/2020

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

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

- 1 Effective Date: 05/13/2019 ADMINORDER 2018-0096-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: SC 14 PERMIT
 STC 14 OP
 STC 16 OP
 Description: Failure to perform daily visible emissions observations when the associated baghouse and particulate scrubbers are in operation.

- 2 Effective Date: 01/27/2022 ADMINORDER 2021-0086-AIR-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: \PSDTX1079M2\GHGPSDTX145M1 PERMIT
 FOP-1904 STC No. 2(F) OP
 Description: Failure to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event.
 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: \PSDTX1079M2\GHGPSDTX145M1 GC No. 8 PERMIT
 \PSDTX1079M2\GHGPSDTX145M1 GC. No 14 PERMIT
 \PSDTX1079M2\GHGPSDTX145M1 SC No. 1 PERMIT
 FOP No. O-1904, STC No. 28 OP
 Description: Failure to prevent unauthorized emissions. The Respondent released 0.1 pound ("lb") of hydrogen cyanide and 316 lbs of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 325563) that began on November 22, 2019 and lasted 200 hours.
 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
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emission event that was discovered on September 11, 2020, TCEQ/STEERS Incident No. 342433.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to notify the TCEQ Corpus Christi Region Office of a reportable emissions event within 24 hours

Compliance History Report for CN605811850, RN102663671, Rating Year 2023 which includes Compliance History (CH) components from February 26, 2019, through February 26, 2024.

after the discovery of the event.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 18, 2019	(1559658)
Item 2	March 29, 2019	(1551550)
Item 3	April 18, 2019	(1571825)
Item 4	May 20, 2019	(1583259)
Item 5	May 28, 2019	(1569602)
Item 6	May 30, 2019	(1553423)
Item 7	June 19, 2019	(1583260)
Item 8	June 21, 2019	(1575818)
Item 9	June 28, 2019	(1570896)
Item 10	July 02, 2019	(1578105)
Item 11	July 11, 2019	(1575847)
Item 12	July 19, 2019	(1593138)
Item 13	August 01, 2019	(1580321)
Item 14	August 07, 2019	(1579874)
Item 15	August 08, 2019	(1580982)
Item 16	October 17, 2019	(1613235)
Item 17	October 31, 2019	(1604035)
Item 18	November 01, 2019	(1604022)
Item 19	December 12, 2019	(1611822)
Item 20	December 19, 2019	(1626401)
Item 21	February 18, 2020	(1640661)
Item 22	March 18, 2020	(1647181)
Item 23	April 17, 2020	(1653517)
Item 24	May 27, 2020	(1651341)
Item 25	June 18, 2020	(1666608)
Item 26	June 26, 2020	(1657712)
Item 27	June 29, 2020	(1658245)
Item 28	July 16, 2020	(1673565)
Item 29	July 29, 2020	(1665306)
Item 30	August 05, 2020	(1665506)
Item 31	August 17, 2020	(1680340)
Item 32	August 25, 2020	(1650930)
Item 33	August 31, 2020	(1671744)
Item 34	September 17, 2020	(1686909)
Item 35	September 25, 2020	(1678190)
Item 36	October 06, 2020	(1679294)
Item 37	October 20, 2020	(1679423)
Item 38	October 26, 2020	(1684969)
Item 39	November 12, 2020	(1712458)
Item 40	November 13, 2020	(1685140)
Item 41	November 17, 2020	(1686149)
Item 42	December 03, 2020	(1691410)
Item 43	December 09, 2020	(1678701)
Item 44	December 15, 2020	(1691806)
Item 45	December 16, 2020	(1712459)
Item 46	January 18, 2021	(1712460)
Item 47	February 19, 2021	(1725513)
Item 48	March 03, 2021	(1703786)
Item 49	March 19, 2021	(1725514)

Item 50	April 15, 2021	(1725515)
Item 51	May 03, 2021	(1709524)
Item 52	May 04, 2021	(1710914)
Item 53	May 13, 2021	(1710534)
Item 54	May 14, 2021	(1712031)
Item 55	May 20, 2021	(1740063)
Item 56	May 26, 2021	(1710985)
Item 57	June 18, 2021	(1747579)
Item 58	June 23, 2021	(1705863)
Item 59	June 24, 2021	(1736788)
Item 60	July 26, 2021	(1739026)
Item 61	August 17, 2021	(1739533)
Item 62	August 23, 2021	(1756053)
Item 63	September 01, 2021	(1711431)
Item 64	September 16, 2021	(1766249)
Item 65	September 21, 2021	(1739229)
Item 66	October 13, 2021	(1749279)
Item 67	October 14, 2021	(1761660)
Item 68	November 15, 2021	(1760676)
Item 69	November 18, 2021	(1783621)
Item 70	November 19, 2021	(1772262)
Item 71	December 02, 2021	(1775280)
Item 72	December 16, 2021	(1790647)
Item 73	January 13, 2022	(1783386)
Item 74	January 14, 2022	(1771086)
Item 75	January 20, 2022	(1798441)
Item 76	January 28, 2022	(1788912)
Item 77	January 31, 2022	(1788875)
Item 78	February 16, 2022	(1806315)
Item 79	March 10, 2022	(1797521)
Item 80	March 16, 2022	(1802220)
Item 81	March 23, 2022	(1802329)
Item 82	April 18, 2022	(1810107)
Item 83	April 20, 2022	(1819953)
Item 84	April 27, 2022	(1810657)
Item 85	May 11, 2022	(1796443)
Item 86	May 19, 2022	(1828792)
Item 87	June 16, 2022	(1812845)
Item 88	June 17, 2022	(1835084)
Item 89	July 14, 2022	(1827089)
Item 90	July 19, 2022	(1842289)
Item 91	August 11, 2022	(1834044)
Item 92	August 18, 2022	(1848422)
Item 93	August 19, 2022	(1838977)
Item 94	September 20, 2022	(1856220)
Item 95	September 21, 2022	(1840478)
Item 96	September 29, 2022	(1845858)
Item 97	September 30, 2022	(1845930)
Item 98	October 05, 2022	(1845935)
Item 99	October 07, 2022	(1845936)
Item 100	October 11, 2022	(1847856)
Item 101	October 20, 2022	(1862577)
Item 102	November 06, 2022	(1853154)
Item 103	November 08, 2022	(1854956)
Item 104	November 18, 2022	(1856059)
Item 105	November 21, 2022	(1856090)
Item 106	December 06, 2022	(1861472)
Item 107	December 07, 2022	(1845917)

Item 108	December 08, 2022	(1846350)
Item 109	December 20, 2022	(1847190)
Item 110	December 21, 2022	(1852404)
Item 111	December 29, 2022	(1855538)
Item 112	January 03, 2023	(1862007)
Item 113	January 19, 2023	(1868652)
Item 114	January 20, 2023	(1868553)
Item 115	January 31, 2023	(1873402)
Item 116	February 13, 2023	(1868989)
Item 117	February 16, 2023	(1889977)
Item 118	February 21, 2023	(1873481)
Item 119	March 05, 2023	(1881239)
Item 120	March 07, 2023	(1852407)
Item 121	March 20, 2023	(1898536)
Item 122	March 21, 2023	(1878812)
Item 123	March 29, 2023	(1873485)
Item 124	March 30, 2023	(1873500)
Item 125	April 03, 2023	(1879765)
Item 126	April 04, 2023	(1873122)
Item 127	April 19, 2023	(1905324)
Item 128	April 28, 2023	(1880203)
Item 129	May 04, 2023	(1887193)
Item 130	May 08, 2023	(1879766)
Item 131	June 15, 2023	(1903177)
Item 132	June 19, 2023	(1902155)
Item 133	June 20, 2023	(1919110)
Item 134	June 30, 2023	(1860642)
Item 135	July 05, 2023	(1910733)
Item 136	July 13, 2023	(1926074)
Item 137	July 19, 2023	(1909465)
Item 138	July 28, 2023	(1917229)
Item 139	August 03, 2023	(1917612)
Item 140	August 04, 2023	(1918106)
Item 141	August 17, 2023	(1933038)
Item 142	August 22, 2023	(1922943)
Item 143	September 14, 2023	(1939174)
Item 144	October 19, 2023	(1946025)
Item 145	October 26, 2023	(1903704)
Item 146	November 16, 2023	(1951717)
Item 147	December 01, 2023	(1943420)
Item 148	December 15, 2023	(1961479)
Item 149	December 20, 2023	(1945710)
Item 150	December 21, 2023	(1945716)
Item 151	December 22, 2023	(1945714)
Item 152	January 30, 2024	(1944394)
Item 153	February 07, 2024	(1951350)
Item 154	February 22, 2024	(1951353)
Item 155	February 23, 2024	(1965581)

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:	04/30/2023	(1912508)	
	Self Report?	YES		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		

2 Date: 07/21/2023 (1888053)

Compliance History Report for CN605811850, RN102663671, Rating Year 2023 which includes Compliance History (CH) components from February 26, 2019, through February 26, 2024.

Self Report?	YES	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 34F PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to sum monthly total MSS emissions in the Adiponitrile (ADN) Unit (EPN 10MSS-001) and update the rolling 12-month (annual) MSS emissions, as required.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2) 5C THSC Chapter 382 382.085(b) GCs & SC 21F PA GTCs & STC 28 OP		
Description:	Failure to equip each open-ended valve or line (OEL) with a cap, blind flange, plug, or a second valve.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.100 30 TAC Chapter 116, SubChapter B 116.115(b) 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 63.6(e)(3) 5C THSC Chapter 382 382.085(b) GCs & SC 5 PA GTCs & STCs 1E, 10, & 11 OP		
Description:	Failure to document required information on the Shutdown, Startup, Maintenance Program (SSMP) form.		
Self Report?	YES	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 9 PA GTCs & STC 28 OP		
Description:	Failure to update the 12-month loading rack throughput records on a monthly basis for each product loaded.		
Self Report?	YES	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 44 PA GTCs & STC 28 OP		
Description:	Failure to calculate carbon dioxide equivalent (CO ₂ e) emissions on a 12-month rolling basis.		
Self Report?	YES	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) GTCs & STC 2F OP		
Description:	Failure to create final records of non-reportable emissions events within two weeks after the end of the event.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 1 PA GTCs & STC 29 OP		

Description:	Failure to prevent unauthorized emissions to the atmosphere during a non-reportable emissions event that occurred on 07/11/2022 at 1100-1115 hours.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(a) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) GCs & SC 19 PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to conduct daily visible emission inspections for the Promotor Dump Dust Collector (EPN 10 FLT-064) when in operation, as required.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 19 PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to conduct daily visible emission inspections for the Nickel Dump Filter (EPN 10 FLT-065) when in operation, as required.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 116, SubChapter B 116.115(a) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2) 5C THSC Chapter 382 382.085(b) GCs & SC 21 I PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to conduct a first attempt at repair within 5 days of discovering an AVO pump leak.		
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) GTCs OP		
Description:	Failure to report all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emissions unit addressed in FOP O1904 for DR1-2022 for the period of 10/01/2021 to 03/31/2022.		
Self Report?	YES	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(a) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) GCs & SC 22 PA GTCs & STC 29 OP		
Description:	Failure to document the date and time of the audio, olfactory, and visual (AVO) inspection for ammonia and/or hydrogen cyanide leaks during each 12-hour shift within the operating area.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(a) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) GCs & SC 21 G PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to monitor accessible valves in the ADN Unit at least quarterly, as required.		
Self Report?	YES	Classification:	Moderate

Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 116, SubChapter B 116.115(a) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1) 5C THSC Chapter 382 382.085(b) GCs & SC 21 J PA GTCs & STC 28 OP		
Description:	Failure to repair a leaking pump within 15 days of discovery.		
Self Report?	YES	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(a) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) GCs & SC 10 PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to provide documentation that all loading lines and connectors in the ADN Unit are visually inspected for defects prior to hookup.		
Self Report?	YES	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 17B PA GCs & SC17B PA GTCs & STC 29 OP		
Description:	Failure to complete storage tank throughput calculations for the ADN Unit, as required.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 20 PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to calibrate filter operating pressures for the Promoter Dump Dust Collector (EPN 10FLT064) and the Nickel Dump Filter (EPN 10FLT065), as required.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 36 C PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to utilize certified (unexpired) calibration gas for monthly calibration and daily functionality tests on each lower explosive limit (LEL) detector.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 8B PA GTCs & STC 28 OP		
Description:	Failure to conduct annual calibration for EPNs 10FLR-001 and 10FLR-004, as required.		
Self Report?	YES	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(b) 30 TAC Chapter 116, SubChapter B 116.115(c)		

	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g) 5C THSC Chapter 382 382.085(b) GCs & SC 4 PA GTCs & STC 10 & STC 29 OP		
Description:	Failure to maintain a complete record for each visual inspection required by 40 CFR 61.343 through 61.347 and 61.349.		
Self Report?	YES	Classification:	Moderate
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(b) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(B) 5C THSC Chapter 382 382.085(b) GCs & SC 4B PA GTCs & STC 28 OP		
Description:	Failure to maintain each opening in a closed, sealed position at all times that waste is in the tank.		
Self Report?	YES	Classification:	Moderate
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(b) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f) 5C THSC Chapter 382 382.085(b) GCs & SC 4C PA GTCs & STC 8D & STC 29 OP		
Description:	Failure to include the required notice with each offsite benzene waste shipment.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & 11B PA GCs & SC 11 PA GCs & SC 11B PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to conduct annual calibrations on the Diamine Flare (EPN 04FLR032) monitoring devices, as required.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 13 PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to conduct annual calibration for the Barge Scrubber (EPN 04LBA-006A), as required.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 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) GCs & SC 35 PA GTCs & STC 28 OP GTCs & STC 29 OP		
Description:	Failure to measure VOC concentration in accordance with routine MSS requirements.		

F. Environmental audits:

Notice of Intent Date: 05/10/2019 (1569892)

Disclosure Date: 10/09/2019

Compliance History Report for CN605811850, RN102663671, Rating Year 2023 which includes Compliance History (CH) components from February 26, 2019, through February 26, 2024.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)

Rqmt Prov: PERMIT Special Condition No. 16.F

Description: Failed to monitor accessible valves by leak-checking for fugitive emissions at least quarterly using an approved gas analyzer. Specifically, 53 light liquid/gas vapor normal to monitor valves were not previously included in the LDAR program.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)

Description: Failed to design and operate the closed vent system with no detectable emissions. Specifically, 82 connectors were not previously included in the LDAR program.

Notice of Intent Date: 09/12/2019 (1597949)

Disclosure Date: 10/18/2019

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition No. 1

Description: Failed to maintain Natural Gas (NG) supplemental fuel flow rates for the Cold NH3 Flare (EPN 10FLR004A) at rates used to calculate the MAER. Specifically, the NG flow was determined to be 6500 scfh which is greater than the NG flow for NH3 Secondary Condenser Purge (normal operations) and for 11 MSS activities.

Notice of Intent Date: 10/23/2019 (1609957)

Disclosure Date: 02/25/2020

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 1

Description: Failed to use accurate calculations affecting the calculated emission rates. Specifically, Adipic Acid Unit (AAU) Storage Tank and Process Vessel emission calculations contain inaccuracies and draft revised emission calculations indicate actual emission rates potentially greater than MAER, affecting: 06TFX012, 06TFL015, 06TFL016, 06TFX033, 06TFX044, 06TFX045, 06TFX046, 06TFX054, 06TFX387, and 18SMP736.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT GC 1

Description: Failed to use accurate calculations affecting the calculated emission rates. Specifically, Adipic Acid and Dodecanedioic Acid (DDDA) loading and transloading emission calculations contain inaccuracies affecting the calculated emission rates, affecting the following units: 06DDDA, 06LRC112, 06LRC113A, 06LRC113B, AND 06BOX116.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 1

Description: Failed to base the ADBA Truck Loading allowable emission rates on the correct capture efficiency. Specifically, the ADBA Truck Loading allowable emission rates are based on a capture efficiency that is higher than in some permit application representations and the resulting allowable emission rates are lower than actual emission rates unless the higher capture efficiency used in the calculations is achieved, affecting the following unit: 06LTR019.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)(1)
30 TAC Chapter 101, SubChapter A 101.10(b)(1)

Description: Failed to capture Acids Waste tank annual emissions in the site Emissions Inventory (EI) since the 2016 EI, affecting the following units: 18TFL027, 18LTR027, 18LTR073, 18TFL030, 18LTR030, 18SMP063, 18TFL065, 18TFX072, 18TFX073, 18SEP075, 18SMP736, AND 18SMP737.

Disclosure Date: 08/27/2020

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to have accurate emission calculations associated with MSS activities related to tank roof landings of Adipic Acid Storage Tanks and Process Vessels affecting the calculated emission rates. Draft revised emission calculations indicate that actual emission rates are potentially greater than the MAERT: 06TFL014C, 06TFL016C, 18TFL030, 18TFL065, 18SMP736, 18TRN027, 18TRN030, and 18TRN065.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to have accurate emission calculations associated with KA barge loading and unloading normal operations affecting the calculated emission rates. Draft revised emission calculations indicate that actual emission rates are potentially greater than the air permit allowable emission rates: 06LBA084 - KA Barge Loading and Unloading (Normal Operations).

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to have accurate emission calculations associated with NVR Truck Loading, COP Acid Truck loading, KA truck loading, Class "A" Waste Truck and Frac Tank Loading, WET Truck Loading, WET Oil Truck Loading, and WET Tank Truck Loading of desludging waste affecting the calculated emission rates. Draft revised emission calculations indicate that actual emission rates are potentially greater than the air permit allowable emission rates: 06LTR074, 06LTR075, 18LTR027, 18LTR073, and 18LTR030F.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to have accurate emission calculations associated with the Adipic Acid Cooling Towers affecting the calculated emission rates. Draft revised emission calculations indicate that actual emission rates are potentially greater than the air permit allowable emission rates: 06CTL090 - Cooling Towers.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to have accurate emission calculations associated with the loading of lean oil affecting the calculated emission rates. Draft revised emission calculations indicate that actual emission rates are potentially greater than the air permit allowable emission rates: 06LTR116 - Lean Oil Loading.

Disclosure Date: 09/23/2020

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to have accurate emission calculations. Specifically, fugitive emission calculations contain inaccuracies affecting the calculated emission rates affecting the following FINs/EPNs: 06FUG-Fugitives; 06FUG-MSS-MSS Fugitive Emissions (MSS Operations); and 07FUG-Fugitive Emissions.

Notice of Intent Date: 04/28/2020 (1645995)

No DOV Associated

Notice of Intent Date: 09/03/2020 (1672623)

Disclosure Date: 10/27/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter N 334.602(a)

Description: Failed to perform or properly document Class C Operator training.

Viol. Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(1)

30 TAC Chapter 334, SubChapter A 334.7(d)(1)(C)

Description: Failed to update the tank registration after the UST No. 2's use was changed from gas to diesel in mid-2011.

Viol. Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter C 334.42(i)

Description: Failed to document spill containment inspections of sumps and manways.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.50(d)(9)

30 TAC Chapter 334, SubChapter C 334.50(d)(9)(A)

30 TAC Chapter 334, SubChapter C 334.50(d)(9)(A)(i)

30 TAC Chapter 334, SubChapter C 334.50(d)(9)(A)(iii)

Description: Failed to reconcile tank daily inventory and throughput monthly for CY2020.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter N 334.602(a)(4)

Description: Failed to post safety and emergency contact information signage at fuel dispensers.

Notice of Intent Date: 12/15/2020 (1698245)

Disclosure Date: 09/23/2021

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 335, SubChapter A 335.6(c)

Rqmt Prov: PERMIT Provision No. II. C.

Description: Failed to update the Notice of Registration for the Nitrile Basin. Specifically, the facility operated a Nitrile Basin (NOR No. 253) which is used to collect process stormwater and it is registered as a RCRA permit-exempt wastewater treatment unit. An out-of-service inspection during the audit discovered cracking in the basin floor which could have received or released hazardous constituents, prevent this from being an exempt unit, and could require additional waste codes on the NOR.

Disclosure Date: 05/19/2022

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)(5)

Description: Failed to accurately identify nine aqueous sumps associated with the Nitrile Basin (NOR No. 253) that are used to collect process stormwater as non-hazardous regulated waste units on the NOR and include wastes received by the units on the NOR. The sumps are registered as permit-exempt wastewater treatment units within NOR No. 236; however, during the audit it was determined that the primary use was conveyance prior to discharge to the onsite deepwell injection system.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)(5)

Description: Failed to identify a HCN/ADN stormwater catch basin (HCN Basin, NOR No. 252) which is used to collect process stormwater as a non-hazardous regulated waste unit in the NOR and include any wastes received by the unit on the NOR. The unit was registered as a RCRA permit-exempt wastewater treatment unit, but during the audit it was determined that the HCN Basin does not meet the wastewater treatment unit exemption.

Notice of Intent Date: 04/14/2021 (1710203)

Disclosure Date: 07/01/2021

Viol. Classification: Moderate

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

Description: Failed to maintain Notice of Registration information. Specifically, during the audit of active <90-day container storage areas and <90-day tanks, INVISTA checked the STEERS unit status to the actual status of the unit and identified NOR Units 118, and 270 were not correct. Specifically, the unit status was "Active" and the correct unit status is "Inactive" and during the review of recycled materials, INVISTA noticed the recycling information was not updated for Texas Waste Code 4036409H.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)(A)

Description: Failed to keep records including the description, character, and classification of each waste, and any changes and additional information required under §335.6(c) and (d). Specifically, waste characterizations were not current.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)

Description: Failed to keep records including the location of all hazardous waste accumulation areas, situated at or near any point of generation, where hazardous wastes under the control of the operator of the

process generating the wastes are placed in containers and initially accumulated without a permit or interim. Specifically, Satellite Accumulation maps were not current.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)

30 TAC Chapter 335, SubChapter C 335.69(a)(3)

Description: Failed to properly label containers with the date upon which each period of accumulation begins and with the words "hazardous waste".

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(v)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174

40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT PP.III.D

Description: Failed to accurately complete inspection requirements for <90 day container areas, <90 day tanks, and permitted units at the required frequency and ensure they cover the specific required items and incorporate corrective actions when a deficiency is discovered.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(a)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(b)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(c)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(d)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(e)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT PP.II.C.2.c

Description: Failed to review the RCRA contingency plan whenever the facility permit is revised, the plan fails in an emergency, the facility changes in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency, the list of emergency coordinators changes, or the list of emergency equipment changes.

Notice of Intent Date: 06/03/2021 (1736499)

Disclosure Date: 06/16/2022

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)(1)

Description: Failed to ensure all newly installed pipes and related products conform to ANSI/NSF Standard 61. Specifically, INVISTA historical records did not confirm the use of NSF-61 certified piping with internal pipe codes only requiring lead-free piping.

Notice of Intent Date: 11/09/2021 (1774094)

Disclosure Date: 04/28/2022

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 19

Description: Failed to calculate the ammonia concentration as dry ammonia at 3% oxygen.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 13.H

Description: Failed to have monthly emission records with calculated emissions of VOC from 17TFX-004 (Waste Organics Tank), 17TFX-008 (Waste Lube Oil Tank), 17TFX-009 (Waste VAMT Tank), 17TFX547 (East Stormwater Tank), and 17TFX548 (West Stormwater Tank) over the previous 12-month period.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 4

Description: Failed to demonstrate compliance with the total heat input.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 14

Description: Failed to maintain the date, time, and duration of each Selective Non-Catalytic Reduction (SNCR) System maintenance event.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 17

Description: Failed to consistently calculate the monthly and rolling 12-month MSS emissions by the end of the following month.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 7.B

Description: Failed to respond within one hour of the discovery of a leak on March 31, 2021.

Viol. Classification: Minor

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

Description: Failed to report deviations above in prior deviation reports.

Notice of Intent Date: 12/08/2022 (1866892)

Disclosure Date: 04/28/2023

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(a)(1)

Rqmt Prov: OP STC 1.A

Description: Failed to complete the second successive monthly Method 21 monitoring required in December 2022 on four new components installed in November 2022 in the Hydrogen Cyanide (HCN) Unit (NSPA VVa). The LeakDAS database did not include the NSPS VVa requirement to trigger the second successive monthly monitoring.

Viol. Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Rqmt Prov: PERMIT SC 16.E

OP STC 1.A

Description: failed to prevent one open-ended line (OEL), missing plug, was discovered during routine Method 21 monitoring representing 0.3% of the total potential OELs in the HMD unit.

Viol. Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 1

OP STC 1.A, 29

Description: Failed to prevent emissions exceeding 500 ppm associated to fugitive component in natural gas service at one valve located on the Cold NH3 flare (10FLR004) detected during a pilot using next generation VOC technology and confirmed using Method 21.

Viol. Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 1

OP STC 16

Description: Failed to prevent emissions above 500 ppm associated to the Cyclohexane (Cyane) Tank No. 4 detected during a pilot project using next generation VOC technology and confirmed with Method 21.

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:

Compliance History Report for CN605811850, RN102663671, Rating Year 2023 which includes Compliance History (CH) components from February 26, 2019, through February 26, 2024.

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

INV NYLON CHEMICALS AMERICAS,
LLC F/K/A INVISTA S.A R.L.
RN102663671

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-1004-MLM-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 INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7, 26, and 27. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 2695 Old Bloomington Road North in Victoria, Victoria County, Texas (the "Facility"). The Respondent is utilizing, has begun drilling, or is converting injection wells as that term is defined in TEX. WATER CODE § 27.002(11). Additionally, the Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a fleet refueling facility at the same location. The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
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. WATER CODE chs. 26 and 27, TEX. HEALTH & SAFETY CODE ch. 361, 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 \$131,168 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$52,468 of the penalty and \$26,232 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and 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 and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$52,468 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

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 corrective measures at the Facility:
 - a. Received approval for permit amendments that updated the pH limits for waste disposal well ("WDW") 143 by January 17, 2019 and WDW028, WDW105, and WDW142 by September 22, 2022;
 - b. Revised the WDW004, WDW030, WDW106, and WDW144 1st, 2nd, and 4th Quarter 2017 Injection Reports and the WDW004 2nd Quarter 2018 Injection Report by June 7, 2019;
 - c. Updated procedures and trained operators/personnel to ensure continuous recording devices are maintained and used at the Facility for WDW004 and WDW144 by August 16, 2019;
 - d. Developed and implemented procedures designed to ensure the annulus differential pressure is maintained at 100 pounds per square inch gauge ("psig") or greater for WDW004 on August 16, 2019;
 - e. Developed and implemented procedures designed to ensure chemical and physical characteristics of injected fluids are maintained within permit limits for WDW004, WDW030, WDW106, and WDW144 by August 16, 2019;
 - f. Developed and implemented procedures to ensure wellhead injection pressures do not exceed permitted maximums for WDW030 on August 16, 2019; and

- g. Conducted the annual line leak detector and piping tightness tests with passing results by November 4, 2019.

II. ALLEGATIONS

1. During an investigation at the Facility conducted on May 1, 2019, an investigator documented that the Respondent:
 - a. Failed to keep complete and accurate records of all monitoring according to permit requirements, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 331.67(a) and Underground Injection Control ("UIC") Permit Nos. WDW004, WDW030, WDW106, and WDW144, Permit Provision ("PP") IX. Record Keeping Requirements. Specifically, the WDW004, WDW030, WDW106, and WDW144 2nd Quarter 2017 Injection Reports did not contain accurate values for the minimum pH and the maximum pH. Additionally, the number of differential pressure exceedances were incorrectly reported for the WDW004 1st Quarter 2017 Injection Report, the WDW030 4th Quarter 2017 Injection Report and the 2nd Quarter 2018 Injection Report, the WDW106 2nd Quarter 2017 Injection Report, and the WDW144 1st Quarter 2017 Injection Report.
 - b. Failed to properly maintain and use continuous recording devices to record the injection pressure at WDW004 and WDW144, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 331.64(d), 40 Code of Federal Regulations ("CFR") § 146.67(f), and UIC Permit Nos. WDW004 and WDW144, PP VIII.A. Monitoring and Testing Requirements. Specifically, a freeze event occurred on January 7, 2017 and well data was not recorded one time (4 hours and 30 minutes) for WDW004 and two times (1 hour and 45 minutes and 2 hours) for WDW144.
 - c. Failed to maintain an annulus pressure of at least 100 psig greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 331.63(e), 40 CFR § 146.67(c), and UIC Permit No. WDW004, PP VII.E. Operating Parameters. Specifically, the annulus differential pressure dropped below 100 psig on March 30, 2019 (lowest pressure recorded -110 psig) for a total of 107 minutes for WDW004.
 - d. Failed to maintain any chemical or physical characteristic of the injected fluids within specified permit limits, in violation of 30 TEX. ADMIN. CODE §§ 331.63(h) and 305.125(1) and UIC Permit Nos. WDW004, WDW030, WDW106, and WDW144, PP V.C. Character of the Waste Streams. Specifically, the injected waste streams exceeded the pH maximum of 12.5 for WDW004 on February 11, 2018 (pH 13), August 30, 2018 (pH 12.8), and December 7, 2018 (pH 12.8); for WDW106 on January 8, 2019 (pH 13.1) and January 21, 2019 (pH 12.9); and for WDW144 on August 30, 2018 (pH 12.8). Additionally, WDW030 was below the pH minimum of 1.0 on January 14, 2019 (pH 0.5) and January 15, 2019 (pH 0.5).
 - e. Failed to maintain an operating wellhead injection pressure that does not exceed the permitted maximum, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 331.63(c), 40 CFR § 146.67(a), and UIC Permit No. WDW030, PP VII.B Operating Parameters. Specifically, the operating surface wellhead injection pressure reached 1,050.656 psig in WDW030 on June 22, 2018 which exceeded the permitted maximum of 900 psig.

2. During an investigation at the Facility conducted on October 30, 2019, an investigator documented that the Respondent failed to provide release detection for the pressurized piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a). Specifically, the Respondent did not conduct the annual line leak detector and piping tightness tests.
3. During an investigation at the Facility conducted on June 26, 2020 through July 10, 2020, an investigator documented that the Respondent:
 - a. Failed to maintain any chemical or physical characteristic of the injected fluids within specified permit limits, in violation of 30 TEX. ADMIN. CODE §§ 331.63(h) and 305.125(1) and UIC Permit Nos. WDW028, WDW105, WDW142, and WDW143, PP V.C. Character of the Waste Streams. Specifically, the injected waste streams exceeded the pH maximum of 12.5 for WDW105 on September 11, 2017 (pH 12.8), September 12, 2017 (pH 13.0), September 13, 2017 (pH 12.6), September 17, 2017 (pH 12.6), January 8, 2019 (pH 13.1), January 21, 2019 (pH 12.9), and February 1, 2020 (pH 12.6); for WDW142 on July 20, 2017 (pH 12.7), July 22, 2017 (pH 13.1), July 23, 2017 (pH 12.7), February 11, 2018 (pH 13.0), and December 7, 2018 (pH 12.8); and for WDW143 a total of 80 times from July 2017 to November 2018. Additionally, the injected waste streams were below the pH minimum of 1.0 for WDW028 on January 14, 2019 (pH 0.5) and January 15, 2019 (pH 0.5).
 - b. Failed to ensure the corrosion monitoring test used materials identical to those used in the construction of the well, and that those materials are continuously exposed to the operating pressures and temperatures (measured at the wellhead) and flow rates of the injection operation, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 331.64(g)(2) and UIC Permit No. WDW143, PP VIII.H Monitoring and Testing Requirements. Specifically, the corrosion coupons for WDW143 were not continuously exposed to the waste fluids, operating pressures, temperatures, and flow rates of the injection operation on July 19, 2018 through July 26, 2018 and July 22, 2019 through August 20, 2019.

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 No. 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: INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l., Docket No. 2019-1004-MLM-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 the SEP as set forth in Section I, Paragraph No. 4. The amount of \$52,468 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, develop and implement procedures designed to ensure that corrosion coupons for WDW143 will be continuously exposed to waste fluids, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(1) and 331.64(g)(2) and UIC Permit No. WDW143, PP VIII.H Monitoring and Testing Requirements; and
 - b. Within 45 days after the effective date of this Order, submit written certification, 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 signed by the Respondent and shall 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:

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

with a copy to:

Waste Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

4. All relief not expressly granted in this Order is denied.

5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. 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.
8. 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.
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

1/14/2025


Date

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 OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

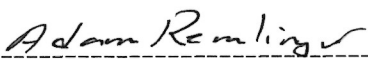
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10/29/2024

Date



Name (Printed or typed)
Authorized Representative of
INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l.

Plant Manager

Title

☐ 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.

Attachment A
Docket Number: 2019-1004-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l.
Payable Penalty Amount:	\$104,936
SEP Offset Amount:	\$52,468
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	The Guadalupe-Blanco River Trust
Project Name:	<i>Shorebird and Waterfowl Habitat Conservation and Restoration Project</i>
<u>Location of SEP:</u> Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Caldwell, Calhoun, Comal, DeWitt, Fayette, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Jackson, Karnes, Kendall, Kerr, Lavaca, Live Oak, Medina, Nueces, Real, Refugio, San Patricio, Travis, Victoria, and Wilson Counties	

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 Guadalupe-Blanco River Trust** for the *Shorebird and Waterfowl Habitat Conservation and Restoration Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to conduct due diligence, purchase conservation easements from private landowners, conduct restoration activities, and provide property stewardship.

After a property has been identified for conservation easement acquisition, the Third-Party Administrator shall submit a proposal to TCEQ that includes property owner information, metes and bounds, purchase price, amount of SEP Offset Amount to be used for due diligence and purchase, deed encumbrance language, and any other information that may be requested by TCEQ. Upon written approval by TCEQ, the Third-Party Administrator may use the SEP Offset Amount for approved due diligence activities and purchase of the conservation easement. The Third-Party Administrator shall address and remedy all encumbrances to the property title, including mortgages and other liens, prior to closing on the conservation easement purchase. The Third-Party Administrator shall not sell conservation easements or any other land interests acquired with the SEP Offset Amount. The Third-Party Administrator shall record a copy of each conservation easement in the county deed records within 15 days of closing. After a conservation easement is acquired, the Third-Party Administrator shall use the SEP Offset Amount for property stewardship to ensure that the terms of the easement are followed. Property stewardship activities include monitoring the property, compliance enforcement, and

providing continual resources to the property owner. The SEP Offset Amount shall not be used for any legal fees associated with property stewardship. The Third-Party Administrator certifies that the conservation easements purchased for this Project will not be part of a mitigation project.

The Third-Party Administrator shall also use the SEP Offset Amount for habitat restoration and enhancement, including planting native species, removal of invasive species, and grading. Restoration activities will be conducted by a contractor and will take place on public land managed by entities such as the Texas Parks and Wildlife Department and U.S. Fish and Wildlife Services or private property protected by a conservation easement. Restoration activities will take place on former wetlands with effectively drained hydric soil map units, filled areas with no development, impounded areas, excavated areas, or farmed wetlands as well as degraded wetlands that are partially drained, impounded, excavated, farmed, or contain tidal restrictions. Prior to starting restoration activities, the Third-Party Administrator shall submit a proposal to TCEQ that includes the exact property location and description, property owner information, specific restoration activities to be conducted, amount of the SEP Offset Amount to be used for restoration activities, and any other information that may be requested by TCEQ. Upon written approval by TCEQ, the Third-Party Administrator may use the SEP Offset Amount for the approved restoration activities. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

This Project is needed because important wildlife habitats for wetland-dependent and other species are under threat from an expanding human footprint into previously undeveloped areas. Conserving properties through conservation easements will ensure that those lands are permanently protected from environmentally harmful activities and use. Restoring habitats through native plantings, removal of invasive species, and grading will protect water quality and provide habitat for native birds and other aquatic and coastal species, such as the whooping crane, piping plover, reddish egret, sooty tern, white-faced ibis, white-tailed hawk, black-spotted newt, sheet frog, and northern Aplomado falcon. Potential property acquisition areas have been identified and prioritized as the highest quality habitat based on data derived from the U.S. Fish and Wildlife Service with input from Texas Parks and Wildlife Department, Ducks Unlimited, Gulf Coast Bird Observatory, and the International Crane Foundation. Protection of these strategic sites will also protect and improve both water quality and quantity through increased filtration into groundwater sources and increased filtration of pollutants. Potential restoration activity areas have been identified and prioritized based on maps of historic wetlands from the National Wetland Inventory and local wetland maps that have been detailed by U.S. Fish and Wildlife Services through the Coastal Prairie Conservation Initiative.

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 **The Guadalupe-Blanco River Trust SEP** and shall mail the contribution with a copy of the Agreed Order to:

The Guadalupe-Blanco River Trust SEP
Attention: Executive Director
933 East Court Street
Seguin, Texas 78155

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

INV Nylon Chemicals Americas, LLC f/k/a INVISTA S.a r.l.
Docket No. 2019-1004-MLM-E
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.