

Executive Summary – Enforcement Matter – Case No. 60915
INV Nylon Chemicals Americas, LLC
RN102663671
Docket No. 2021-0858-WDW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

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

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: \$148,140

Amount Deferred for Expedited Settlement: \$29,627

Total Paid to General Revenue: \$59,257

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$59,256

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: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 22, 2021

Date(s) of NOE(s): June 10, 2021 and June 16, 2021

Executive Summary – Enforcement Matter – Case No. 60915
INV Nylon Chemicals Americas, LLC
RN102663671
Docket No. 2021-0858-WDW-E

Violation Information

1. 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 one time on March 18, 2021 (lowest pressure recorded -55.46 psig) for a total of 178 minutes for WDW105; and three times on August 13, 2020 (lowest pressure recorded -55.46 psig) for a total of 47 minutes for WDW143 [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.63(e), 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 146.67(c), and Underground Injection Control (“UIC”) Permit Nos. Waste Disposal Well (“WDW”) 105 and WDW143, Permit Provision (“PP”) VII.E. Operating Parameters].
2. Failed to test and calibrate quarterly all gauges, pressure sensing, and recording devices. Specifically, the wellhead analog gauges were not calibrated quarterly for WDW105 and WDW143 [30 TEX. ADMIN. CODE § 331.63(g)].
3. Failed to sample and analyze injected fluids with a frequency sufficient to yield representative data of their characteristics. Specifically, on March 29, 2021, a grab sample of injected fluids was not collected or analyzed for WDW143 [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.64(b), 40 CFR § 146.68(a), and UIC Permit No. WDW143, PP VII.F. Monitoring and Testing].
4. Failed to keep complete and accurate records of all monitoring according to permit requirements. Specifically, the WDW029 3rd Quarter 2019 Injection Report for July 2019 did not have an accurately reported value for the annulus differential pressure (the lowest value should have been reported as -30 psig) [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.67(a) and UIC Permit No. WDW029, PP IX. Record Keeping Requirements].
5. Failed to test and calibrate quarterly all gauges, pressure sensing, and recording devices. Specifically, the wellhead analog gauges were not calibrated quarterly for WDW004, WDW029, WDW030, WDW106, and WDW144 [30 TEX. ADMIN. CODE § 331.63(g)].
6. 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. Specifically, the annulus differential pressure dropped below 100 psig two times on September 18, 2019 (lowest pressure recorded -55.46 psig) for a total of 38 minutes for WDW004; one time on July 17, 2019 (lowest pressure recorded -30.71 psig) for 136 minutes for WDW029; and two times on March 22, 2020 (lowest pressure recorded -55.46 psig) for a total of 17 minutes and one time on September 16, 2020 (lowest pressure recorded -80 psig) for a period of 20 minutes for WDW106 [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.63(e), 40 CFR § 146.67(c), and UIC Permit Nos. WDW004, WDW029, and WDW106, PP VII.E. Operating Parameters].

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Docket No. 2021-0858-WDW-E

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 WDW004 on July 29, 2020 (pH 12.7) and October 6, 2020 (pH 13.2); for WDW106 on September 10, 2020 (pH 13.1); and for WDW144 on July 29, 2020 (pH 12.7), and October 6, 2020 (pH 13.2). Additionally, the injected waste streams were below the pH minimum of 1.0 for WDW029 on January 25, 2020 (pH 0.6), and for WDW030 on August 26, 2020 (pH 0.8) [30 TEX. ADMIN. CODE §§ 305.125(1) and 331.63(h), 40 CFR § 146.67(c), and UIC Permit Nos. WDW004, WDW029, WDW030, WDW106, and WDW144, PP V.C. Character of the Waste Streams].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Revised the 3rd Quarter 2019 Injection Report to include accurate values for the annulus differential pressure for WDW029 by July 1, 2021;
- b. Developed and implemented procedures designed to ensure the annulus differential pressure is maintained at 100 psig or greater for WDW004, WDW029, WDW105, WDW106, and WDW143 by November 2, 2022;
- c. Developed and implemented procedures designed to ensure chemical and physical characteristics of injected fluids are maintained within permit limits for WDW004, WDW029, WDW030, WDW106, and WDW144 by March 12, 2021;
- d. Developed and implemented procedures designed to ensure all gauges, pressure sensing, and recording devices are tested and calibrated quarterly for WDW004, WDW029, WDW030, WDW105, WDW106, WDW143, and WDW144 by August 3, 2021; and
- e. Developed and implemented procedures designed to ensure that injected fluids are analyzed with a frequency sufficient to yield representative data of their characteristics for WDW143 by September 7, 2021.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

Executive Summary – Enforcement Matter – Case No. 60915
INV Nylon Chemicals Americas, LLC
RN102663671
Docket No. 2021-0858-WDW-E

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, P.O. Box 2626, Victoria, Texas 77905

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Jun-2021	Screening	17-Jun-2021	EPA Due	
	PCW	26-Jun-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	INV Nylon Chemicals Americas, LLC (PCW No. 1 of 2)				
Reg. Ent. Ref. No.	RN102663671				
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	60915	No. of Violations	3
Docket No.	2021-0858-WDW-E	Order Type	1660
Media Program(s)	Underground Injection Control	Government/Non-Profit	No
Multi-Media		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	\$20,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	46.0%	Adjustment	Subtotals 2, 3, & 7	\$9,315
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Notes
Enhancement for six NOV's with dissimilar violations, two Orders containing a denial of liability and one Order without a denial of liability.
Reduction for eleven notices of intent to conduct an audit and ten disclosures of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,025
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,585
Estimated Cost of Compliance \$3,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$27,540
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OTHER FACTORS AS JUSTICE MAY REQUIRE	5.5%	Adjustment	\$1,513
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes
Recommended enhancement to capture the avoided cost associated with Violation Nos. 2 and 3.

Final Penalty Amount	\$29,053
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$29,053
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,810
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes
Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,243
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Screening Date	17-Jun-2021	Docket No.	2021-0858-WDW-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60915			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102663671			
Media	Underground Injection Control			
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	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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>)	11	-11%
	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>)	10	-20%
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) 46%

>> 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 six NOVs with dissimilar violations, two Orders containing a denial of liability and one Order without a denial of liability. Reduction for eleven notices of intent to conduct an audit and ten disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 46%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 46%

Screening Date	17-Jun-2021	Docket No.	2021-0858-WDW-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC (PCW No. 1 of 2)			
Case ID No.	60915	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN102663671	<i>PCW Revision February 11, 2021</i>		
Media	Underground Injection Control			
Enf. Coordinator	Stephanie McCurley			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 331.63(e), 40 Code of Federal Regulations ("CFR") § 146.67(c), and Underground Injection Control ("UIC") Permit Nos. Waste Disposal Well ("WDW") 105 and WDW143, Permit Provision ("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 one time on March 18, 2021 (lowest pressure recorded - 55.46 psig) for a total of 178 minutes for WDW105; and three times on August 13, 2020 (lowest pressure recorded -55.46 psig) for a total of 47 minutes for WDW143.			
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.
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Adjustment	\$17,500
\$7,500	

Violation Events

Number of Violation Events	2	Number of violation days	2
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daily					
weekly					
monthly					
quarterly					
semiannual					
annual					
single event	x	Violation Base Penalty \$15,000			

Two single events are recommended (one for each non compliant day per well).

Good Faith Efforts to Comply

	10.0%		Reduction	\$1,500
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary		x		
N/A				

Notes	The Respondent came into compliance on November 2, 2022 after the Notice of Enforcement ("NOE") dated June 10, 2021.
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Violation Subtotal	\$13,500
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Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$56	Violation Final Penalty Total	\$21,521
This violation Final Assessed Penalty (adjusted for limits)			\$21,521

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC (PCW No. 1 of 2)
Case ID No. 60915
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
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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	13-Aug-2020	2-Nov-2022	2.22	\$56	n/a	\$56
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 first 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

\$56

Screening Date 17-Jun-2021 Respondent INV Nylon Chemicals Americas, LLC (PCW No. 1 of 2) Case ID No. 60915 Reg. Ent. Reference No. RN102663671 Media Underground Injection Control Enf. Coordinator Stephanie McCurley	Docket No. 2021-0858-WDW-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 331.63(g)
Violation Description	Failed to test and calibrate quarterly all gauges, pressure sensing, and recording devices. Specifically, the wellhead analog gauges were not calibrated quarterly for WDW105 and WDW143.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,250
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	\$1,750
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Violation Events

Number of Violation Events	2	49	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event		x				

Violation Base Penalty	\$3,500
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Two single events are recommended (one for each well).	
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Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent came into compliance by August 3, 2021 after the NOE dated June 10, 2021.	

Violation Subtotal	\$3,150
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Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$1,015	Violation Final Penalty Total	\$5,022
This violation Final Assessed Penalty (adjusted for limits)		\$5,022	

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC (PCW No. 1 of 2)
Case ID No. 60915
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
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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-Apr-2021	3-Aug-2021	0.28	\$7	n/a	\$7
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 all gauges, pressure sensing, and recording devices are tested and calibrated quarterly. 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)	\$1,000	22-Apr-2021	17-Jun-2021	0.15	\$8	\$1,000	\$1,008

Notes for AVOIDED costs

Estimated avoided cost to test all gauges, pressure sensing, and recording devices and ensure they are calibrated quarterly (\$500 per well). The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$1,500

TOTAL

\$1,015

Screening Date 17-Jun-2021	Docket No. 2021-0858-WDW-E	PCW
Respondent INV Nylon Chemicals Americas, LLC (PCW No. 1 of 2)	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No. 60915	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No. RN102663671		
Media Underground Injection Control		
Enf. Coordinator Stephanie McCurley		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 331.64(b), 40 CFR § 146.68(a), and UIC Permit No. WDW143, PP VII.F. Monitoring and Testing	
Violation Description	Failed to sample and analyze injected fluids with a frequency sufficient to yield representative data of their characteristics. Specifically, on March 29, 2021, a grab sample of injected fluids was not collected or analyzed for WDW143.	
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
Percent	0.0%				

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events	1	Number of violation days	1
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	daily			
	x			

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes: The Respondent came into compliance by September 7, 2021 after the NOE dated June 10, 2021.

Violation Subtotal \$1,575

Economic Benefit (EB) for this violation

Estimated EB Amount	\$514	Statutory Limit Test
		Violation Final Penalty Total \$2,511
		This violation Final Assessed Penalty (adjusted for limits) \$2,511

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC (PCW No. 1 of 2)
Case ID No. 60915
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
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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-Apr-2021	7-Sep-2021	0.38	\$9	n/a	\$9
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 injected fluids are analyzed with a frequency sufficient to yield representative data of their characteristics. 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)	\$500	29-Mar-2021	17-Jun-2021	0.22	\$5	\$500	\$505

Notes for AVOIDED costs

Estimated avoided cost to collect the fluid sample and have it analyzed. The Date Required is the date the sample was not collected and the Final Date is the screening date.

Approx. Cost of Compliance \$1,000

TOTAL \$514



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jun-2021	Screening	28-Jun-2021	EPA Due	
	PCW	26-Jun-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2)				
Reg. Ent. Ref. No.	RN102663671				
Facility/Site Region	14-Corpus Christi		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	60915	No. of Violations	4
Docket No.	2021-0858-WDW-E	Order Type	1660
Media Program(s)	Underground Injection Control	Government/Non-Profit	No
Multi-Media		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	\$91,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	46.0%	Adjustment	Subtotals 2, 3, & 7	\$42,090
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Notes: Enhancement for six NOV's with dissimilar violations, two Orders containing a denial of liability and one Order without a denial of liability. Reduction for eleven notices of intent to conduct an audit and ten disclosures of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$17,025
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$2,667
Estimated Cost of Compliance \$4,550
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$116,565
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.2%	Adjustment	\$2,522
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost associated with Violation No. 2.

Final Penalty Amount	\$119,087
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$119,087
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DEFERRAL	20.0%	Reduction	Adjustment	-\$23,817
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$95,270
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Screening Date	28-Jun-2021	Docket No.	2021-0858-WDW-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2)			Policy Revision 5 (January 28, 2021)
Case ID No.	60915			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102663671			
Media	Underground Injection Control			
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	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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>)	11	-11%
	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>)	10	-20%
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) 46%

>> 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 six NOVs with dissimilar violations, two Orders containing a denial of liability and one Order without a denial of liability. Reduction for eleven notices of intent to conduct an audit and ten disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 46%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 46%

Screening Date	28-Jun-2021	Docket No.	2021-0858-WDW-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2)		<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	60915	<i>PCW Revision February 11, 2021</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 No. Waste Disposal Well ("WDW") 029, 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 WDW029 3rd Quarter 2019 Injection Report for July 2019 did not have an accurately reported value for the annulus differential pressure (the lowest value should have been reported as -30 psig).			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				x
				Percent 1.0%
Matrix Notes	Less than 30% of the rule requirement was not met.			
Adjustment				\$24,750
				\$250
Violation Events				
Number of Violation Events		1	67	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	
				Violation Base Penalty \$250
One single event is recommended.				
Good Faith Efforts to Comply		10.0%		Reduction \$25
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary			
	Ordinary		x	
	N/A			
Notes	The Respondent came into compliance on July 1, 2021 after the Notice of Enforcement ("NOE") dated June 16, 2021.			
Violation Subtotal				\$225
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$0	Violation Final Penalty Total \$347	
This violation Final Assessed Penalty (adjusted for limits)				\$347

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2)
Case ID No. 60915
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
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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	\$50	22-Apr-2021	1-Jul-2021	0.19	\$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

Estimated delayed cost to revise the WDW029 3rd Quarter 2019 Injection Report to include accurate values for the annulus differential pressure. 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

\$50

TOTAL

\$0

Screening Date 28-Jun-2021 Respondent INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2) Case ID No. 60915 Reg. Ent. Reference No. RN102663671 Media Underground Injection Control Enf. Coordinator Stephanie McCurley	Docket No. 2021-0858-WDW-E PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
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Violation Number	2	Rule Cite(s)	30 Tex. Admin. Code § 331.63(g)
Violation Description	Failed to test and calibrate quarterly all gauges, pressure sensing, and recording devices. Specifically, the wellhead analog gauges were not calibrated quarterly for WDW004, WDW029, WDW030, WDW106, and WDW144.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	[]	[]	[]	
	Potential	[]	[]	x	

Percent 7.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	[]	[]	[]	[]	

Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,250
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	\$1,750
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Violation Events

Number of Violation Events	5	67	Number of violation days
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	daily	[]	Violation Base Penalty	\$8,750
	weekly	[]		
	monthly	[]		
	quarterly	[]		
	semiannual	[]		
	annual	[]		
	single event	x		

Five single events are recommended (one for each well).

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	[]	[]
Ordinary	[]	x
N/A	[]	[]
Notes	The Respondent came into compliance by August 3, 2021 after the NOE dated June 16, 2021.	

Violation Subtotal	\$7,875
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$2,529
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Statutory Limit Test

Violation Final Penalty Total	\$12,157
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This violation Final Assessed Penalty (adjusted for limits)	\$12,157
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Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2)
Case ID No. 60915
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
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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	22-Apr-2021	3-Aug-2021	0.28	\$7	n/a	\$7
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 develop and implement procedures designed to ensure all gauges, pressure sensing, and recording devices are tested and calibrated quarterly. 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)	\$2,500	22-Apr-2021	28-Jun-2021	0.18	\$22	\$2,500	\$2,522

Notes for AVOIDED costs

Estimated avoided cost to test all gauges, pressure sensing, and recording devices and ensure they are calibrated quarterly. The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$3,000

TOTAL

\$2,529

Screening Date	28-Jun-2021	Docket No.	2021-0858-WDW-E	PCW	
Respondent	INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2)		Policy Revision 5 (January 28, 2021)		
Case ID No.	60915		PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN102663671				
Media	Underground Injection Control				
Enf. Coordinator	Stephanie McCurley				
Violation Number	3				
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 331.63(e), 40 Code of Federal Regulations ("CFR") § 146.67(c), and UIC Permit Nos. WDW004, WDW029, and WDW106, PP VII.E. Operating Parameters				
Violation Description	<p>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 two times on September 18, 2019 (lowest pressure recorded -55.46 psig) for a total of 38 minutes for WDW004; one time on July 17, 2019 (lowest pressure recorded -30.71 psig) for 136 minutes for WDW029; and two times on March 22, 2020 (lowest pressure recorded -55.46 psig) for a total of 17 minutes and one time on September 16, 2020 (lowest pressure recorded -80 psig) for a period of 20 minutes for WDW106.</p>				
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		4	Number of violation days		
		4			
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x	Violation Base Penalty \$30,000		
Four single events are recommended (one for each non compliant day).					
Good Faith Efforts to Comply		10.0%	Reduction \$3,000		
		Before NOE/NOV NOE/NOV to EDRP/Settlement Offer			
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent came into compliance on November 2, 2022 after the NOE dated June 16, 2021.				
Violation Subtotal			\$27,000		
Economic Benefit (EB) for this violation Statutory Limit Test					
Estimated EB Amount		\$82	Violation Final Penalty Total \$41,683		
This violation Final Assessed Penalty (adjusted for limits)			\$41,683		

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2)
Case ID No. 60915
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
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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	17-Jul-2019	2-Nov-2022	3.30	\$82	n/a	\$82
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 first 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

\$82

Screening Date	28-Jun-2021	Docket No.	2021-0858-WDW-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2)		<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	60915	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN102663671			
Media	Underground Injection Control			
Enf. Coordinator	Stephanie McCurley			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 331.63(h), 40 CFR § 146.67(c), and UIC Permit Nos. WDW004, WDW029, 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 July 29, 2020 (pH 12.7) and October 6, 2020 (pH 13.2); for WDW106 on September 10, 2020 (pH 13.1); and for WDW144 on July 29, 2020 (pH 12.7), and October 6, 2020 (pH 13.2). Additionally, the injected waste streams were below the pH minimum of 1.0 for WDW029 on January 25, 2020 (pH 0.6), and for WDW030 on August 26, 2020 (pH 0.8).			
		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.
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Adjustment	\$21,250
\$3,750	

Violation Events

Number of Violation Events	14		412	Number of violation days
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daily					
weekly					
monthly	x				
quarterly					
semiannual					
annual					
single event					

Violation Base Penalty	\$52,500
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Fourteen monthly events are recommended from the January 25, 2020 instance of the violation to the March 12, 2021 date of compliance.	
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Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent came into compliance by March 12, 2021 before the NOE dated June 16, 2021.		

Violation Subtotal	\$39,375
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$56	Statutory Limit Test	
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Violation Final Penalty Total	\$64,899
This violation Final Assessed Penalty (adjusted for limits)	
\$64,899	

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC (PCW No. 2 of 2)
Case ID No. 60915
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
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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	25-Jan-2020	12-Mar-2021	1.13	\$56	n/a	\$56
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

\$56



Compliance History Report

Compliance History Report for CN605811850, RN102663671, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN605811850, INV Nylon Chemicals Americas, LLC	Classification:	SATISFACTORY	Rating:	3.88
Regulated Entity:	RN102663671, INV Nylon Chemicals Americas Victoria Site	Classification:	SATISFACTORY	Rating:	3.83
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 REGISTRATION 14751
AIR NEW SOURCE PERMITS PERMIT 31376
AIR NEW SOURCE PERMITS REGISTRATION 43301
AIR NEW SOURCE PERMITS REGISTRATION 43501
AIR NEW SOURCE PERMITS REGISTRATION 45256
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 73898
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1079
AIR NEW SOURCE PERMITS REGISTRATION 89577
AIR NEW SOURCE PERMITS REGISTRATION 93064
AIR NEW SOURCE PERMITS REGISTRATION 91536
AIR NEW SOURCE PERMITS REGISTRATION 96200
AIR NEW SOURCE PERMITS REGISTRATION 98317
AIR NEW SOURCE PERMITS REGISTRATION 99179
AIR NEW SOURCE PERMITS REGISTRATION 141367
AIR NEW SOURCE PERMITS REGISTRATION 131067
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 EPA PERMIT PSDTX1416
AIR NEW SOURCE PERMITS REGISTRATION 115157
AIR NEW SOURCE PERMITS REGISTRATION 122233
AIR NEW SOURCE PERMITS REGISTRATION 136474
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1448
AIR NEW SOURCE PERMITS REGISTRATION 111678
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 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 23271
AIR NEW SOURCE PERMITS REGISTRATION 37067
AIR NEW SOURCE PERMITS REGISTRATION 43502
AIR NEW SOURCE PERMITS REGISTRATION 44234
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 74109
AIR NEW SOURCE PERMITS REGISTRATION 76575
AIR NEW SOURCE PERMITS REGISTRATION 80416L
AIR NEW SOURCE PERMITS REGISTRATION 92605
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1079M1
AIR NEW SOURCE PERMITS REGISTRATION 92339
AIR NEW SOURCE PERMITS REGISTRATION 102817
AIR NEW SOURCE PERMITS REGISTRATION 109746
AIR NEW SOURCE PERMITS REGISTRATION 103298
AIR NEW SOURCE PERMITS REGISTRATION 105010
AIR NEW SOURCE PERMITS REGISTRATION 111679
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX129
AIR NEW SOURCE PERMITS REGISTRATION 122193
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX145
AIR NEW SOURCE PERMITS REGISTRATION 105728
AIR NEW SOURCE PERMITS REGISTRATION 111677
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 137118
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 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 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 171805
AIR NEW SOURCE PERMITS REGISTRATION 172334
AIR NEW SOURCE PERMITS REGISTRATION 172333
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 PERMIT AMOC64
AIR NEW SOURCE PERMITS REGISTRATION 162811
AIR NEW SOURCE PERMITS REGISTRATION 162330
AIR NEW SOURCE PERMITS REGISTRATION 167794
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 172447
AIR NEW SOURCE PERMITS REGISTRATION 169856
AIR NEW SOURCE PERMITS REGISTRATION 172762
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, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: July 12, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 12, 2018 to July 12, 2023

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
E. I. du Pont de Nemours and Company 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: 07/25/2018 ADMINORDER 2017-0236-IHW-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195(b)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195(c)
Rqmt Prov: PP.III.D General Inspection Requirements PERMIT
Description: Failed to conduct daily inspections of permitted HW tanks and less than 90-day HW tanks
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.15(d)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
Rqmt Prov: PP.III.D General Inspection Requirements PERMIT
Description: Failed to properly record inspections in an inspection log or summary
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 335, SubChapter F 335.152(a)(7)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.171
Rqmt Prov: PP.V.B.2 Container Storage Areas PERMIT
Description: Failed to properly manage containers holding HW
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(1)(iii)
Description: Failed to maintain the external liners of secondary containment systems free of cracks and gaps
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(3)(ii)
Description: Failed to protect a double-walled tank system, if constructed of metal, from both corrosion of the primary tank interior and the external surface of the outer shell
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
30 TAC Chapter 335, SubChapter C 335.69(d)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(ii)
Description: Failed to clearly label all HW containers with the words "Hazardous Waste"
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)
Description: Failed to keep a container storing HW closed except when adding or removing waste
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failed to update the Facility's NOR
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)

Description: Failed to properly complete an HW manifest

- 2 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.
- 3 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 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	July 18, 2018	(1514024)
Item 2	August 02, 2018	(1506476)
Item 3	August 20, 2018	(1520086)
Item 4	August 27, 2018	(1512265)

Compliance History Report for CN605811850, RN102663671, Rating Year 2022 which includes Compliance History (CH) components from July 12, 2018, through July 12, 2023.

Item 5	September 20, 2018	(1527251)
Item 6	September 28, 2018	(1513672)
Item 7	October 01, 2018	(1513685)
Item 8	October 11, 2018	(1519563)
Item 9	October 17, 2018	(1533609)
Item 10	October 24, 2018	(1519338)
Item 11	November 29, 2018	(1525087)
Item 12	January 14, 2019	(1532406)
Item 13	January 17, 2019	(1559659)
Item 14	January 24, 2019	(1539278)
Item 15	February 19, 2019	(1559657)
Item 16	February 25, 2019	(1549775)
Item 17	March 18, 2019	(1559658)
Item 18	March 29, 2019	(1551550)
Item 19	April 18, 2019	(1571825)
Item 20	May 20, 2019	(1583259)
Item 21	May 28, 2019	(1569602)
Item 22	May 30, 2019	(1553423)
Item 23	June 19, 2019	(1583260)
Item 24	June 21, 2019	(1575818)
Item 25	June 28, 2019	(1570896)
Item 26	July 02, 2019	(1578105)
Item 27	July 11, 2019	(1575847)
Item 28	July 19, 2019	(1593138)
Item 29	August 01, 2019	(1580321)
Item 30	August 07, 2019	(1579874)
Item 31	August 08, 2019	(1580982)
Item 32	October 17, 2019	(1613235)
Item 33	October 31, 2019	(1604035)
Item 34	November 01, 2019	(1604022)
Item 35	December 12, 2019	(1611822)
Item 36	December 19, 2019	(1626401)
Item 37	February 18, 2020	(1640661)
Item 38	March 18, 2020	(1647181)
Item 39	April 17, 2020	(1653517)
Item 40	May 27, 2020	(1651341)
Item 41	June 18, 2020	(1666608)
Item 42	June 26, 2020	(1657712)
Item 43	June 29, 2020	(1658245)
Item 44	July 16, 2020	(1673565)
Item 45	July 29, 2020	(1665306)
Item 46	August 05, 2020	(1665506)
Item 47	August 17, 2020	(1680340)
Item 48	August 25, 2020	(1650930)
Item 49	August 31, 2020	(1671744)
Item 50	September 17, 2020	(1686909)
Item 51	September 25, 2020	(1678190)
Item 52	October 06, 2020	(1679294)
Item 53	October 20, 2020	(1679423)
Item 54	October 26, 2020	(1684969)
Item 55	November 12, 2020	(1712458)
Item 56	November 13, 2020	(1685140)
Item 57	November 17, 2020	(1686149)
Item 58	December 03, 2020	(1691410)
Item 59	December 09, 2020	(1678701)
Item 60	December 15, 2020	(1691806)
Item 61	December 16, 2020	(1712459)
Item 62	January 18, 2021	(1712460)
Item 63	February 19, 2021	(1725513)
Item 64	March 03, 2021	(1703786)

Compliance History Report for CN605811850, RN102663671, Rating Year 2022 which includes Compliance History (CH) components from July 12, 2018, through July 12, 2023.

Item 65	March 19, 2021	(1725514)
Item 66	April 15, 2021	(1725515)
Item 67	May 03, 2021	(1709524)
Item 68	May 04, 2021	(1710914)
Item 69	May 13, 2021	(1710534)
Item 70	May 14, 2021	(1712031)
Item 71	May 20, 2021	(1740063)
Item 72	May 26, 2021	(1710985)
Item 73	June 18, 2021	(1747579)
Item 74	June 23, 2021	(1705863)
Item 75	June 24, 2021	(1736788)
Item 76	July 26, 2021	(1739026)
Item 77	August 17, 2021	(1739533)
Item 78	August 23, 2021	(1756053)
Item 79	September 01, 2021	(1711431)
Item 80	September 16, 2021	(1766249)
Item 81	September 21, 2021	(1739229)
Item 82	October 13, 2021	(1749279)
Item 83	October 14, 2021	(1761660)
Item 84	November 15, 2021	(1760676)
Item 85	November 18, 2021	(1783621)
Item 86	November 19, 2021	(1772262)
Item 87	December 02, 2021	(1775280)
Item 88	December 16, 2021	(1790647)
Item 89	January 13, 2022	(1783386)
Item 90	January 14, 2022	(1771086)
Item 91	January 20, 2022	(1798441)
Item 92	January 28, 2022	(1788912)
Item 93	January 31, 2022	(1788875)
Item 94	February 16, 2022	(1806315)
Item 95	March 10, 2022	(1797521)
Item 96	March 16, 2022	(1802220)
Item 97	March 23, 2022	(1802329)
Item 98	April 18, 2022	(1810107)
Item 99	April 20, 2022	(1819953)
Item 100	April 27, 2022	(1810657)
Item 101	May 11, 2022	(1796443)
Item 102	May 19, 2022	(1828792)
Item 103	June 16, 2022	(1812845)
Item 104	June 17, 2022	(1835084)
Item 105	July 14, 2022	(1827089)
Item 106	July 19, 2022	(1842289)
Item 107	August 11, 2022	(1834044)
Item 108	August 18, 2022	(1848422)
Item 109	August 19, 2022	(1838977)
Item 110	September 20, 2022	(1856220)
Item 111	September 21, 2022	(1840478)
Item 112	September 29, 2022	(1845858)
Item 113	September 30, 2022	(1845930)
Item 114	October 05, 2022	(1845935)
Item 115	October 07, 2022	(1845936)
Item 116	October 11, 2022	(1847856)
Item 117	October 20, 2022	(1862577)
Item 118	November 06, 2022	(1853154)
Item 119	November 08, 2022	(1854956)
Item 120	November 18, 2022	(1856059)
Item 121	November 21, 2022	(1856090)
Item 122	December 06, 2022	(1861472)
Item 123	December 07, 2022	(1845917)
Item 124	December 08, 2022	(1846350)

Compliance History Report for CN605811850, RN102663671, Rating Year 2022 which includes Compliance History (CH) components from July 12, 2018, through July 12, 2023.

Item 125	December 20, 2022	(1847190)
Item 126	December 21, 2022	(1852404)
Item 127	December 29, 2022	(1855538)
Item 128	January 03, 2023	(1862007)
Item 129	January 19, 2023	(1868652)
Item 130	January 20, 2023	(1868553)
Item 131	January 31, 2023	(1873402)
Item 132	February 13, 2023	(1868989)
Item 133	February 16, 2023	(1889977)
Item 134	February 21, 2023	(1873481)
Item 135	March 05, 2023	(1881239)
Item 136	March 07, 2023	(1852407)
Item 137	March 20, 2023	(1898536)
Item 138	March 21, 2023	(1878812)
Item 139	March 29, 2023	(1873485)
Item 140	March 30, 2023	(1873500)
Item 141	April 03, 2023	(1879765)
Item 142	April 04, 2023	(1873122)
Item 143	April 19, 2023	(1905324)
Item 144	April 28, 2023	(1880203)
Item 145	May 04, 2023	(1887193)
Item 146	May 08, 2023	(1879766)
Item 147	June 15, 2023	(1903177)
Item 148	June 19, 2023	(1902155)
Item 149	June 30, 2023	(1860642)
Item 150	July 05, 2023	(1910733)

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

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

- 1 Date: 08/16/2022 (1833028)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Permit Conditions; No. 2g, Pg. 7 PERMIT
Description: Failed to prevent an unauthorized discharge of wastewater or any other waste.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Monitoring Requirements No. 1, Pg. 2i-2k PERMIT
Other Requirements No. 22, Pg. 19 PERMIT
Description: Failed to analyze the volatile organic compounds for Outfall 151 using an approved EPA method for the "24-hour composite" sampling.

- 2 Date: 08/18/2022 (1824223)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition No. 3A(iv)(1) OP
Description: Failure to perform visible emissions monitoring at least once during each calendar quarter.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 13C(1) PERMIT
Description: Failure to conduct Total Dissolved Solids (TDS) sampling weekly.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 6 OP
Special Term and Condition No. 22 OP
Description: Failure to comply with permitted emissions limits.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT
 Special Condition No. 13B PERMIT
 Special Term and Condition No. 22 OP
 Description: Failure to comply with permitted TDS limits.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 13 PERMIT
 Special Term and Condition No. 22 OP
 Description: Failure to maintain minimum flow rate requirements during loading.

3 Date: 08/23/2022 (1832423)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(7)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173(a)
 Description: Failed to ensure a container holding hazardous waste is always closed during storage except when it is necessary to add or remove waste.

4 Date: 11/30/2022 (1861208)
 Self Report? NO 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 1 PA
 GTCs & STC 15 OP
 Description: Failure to comply with permitted maintenance, startup, shutdown (MSS) annual emission limits, as represented. Specifically, the AOP Flare - EPN 14FLR1-MSS exceeded the annual 12-month rolling tons per year (TPY) for carbon monoxide (CO), ammonia (NH3), and nitrogen oxide (NOx) for MSS activities.
 Refer to FOP O1867 deviation report for the reporting period of DR2-2022 dated 06/22/2022, Deviation Item 12.

Self Report? NO 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 1 PA
 GTCs & STC 15 OP
 Description: Failure to comply with permitted maintenance, startup, shutdown (MSS) hourly and/or annual emission limits, as represented. Specifically, the following emission limit exceedances were documented:
 (1) West Powerhouse Area Miscellaneous Fugitive MSS - EPN 14FUG-MSS exceeded the hourly volatile organic compound (VOC) emissions limit related to MSS activities
 (2) West Powerhouse Boiler Nos. 3 & 4 exceeded the hourly and annual CO emissions limit related to MSS.

Self Report? NO 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 1 PA
 GTCs & STC 15 OP
 Description: Failure to comply with permitted maintenance, startup, shutdown (MSS) annual emission limits, as represented. Specifically, Boiler Nos. 7 & 8 MSS - EPN 17STK-007-MSS exceeded the annual CO emissions limit related to MSS.

5 Date: 02/17/2023 (1861392)
 Self Report? NO Classification: Minor
 Citation: 1415 OP
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4243(d)(2)

Description:	5C THSC Chapter 382 382.085(b)	
Self Report?	NO	Classification: Minor
Citation:	1415 OP 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) 810 PERMIT	
Description:	Failure to monitor Leak Detection and Repair (LDAR) component on a timely manner.	
Self Report?	NO	Classification: Minor
Citation:	1415 OP 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) 810 PERMIT	
Description:	Failure to cap or plug open-ended lines (OELs).	
Self Report?	NO	Classification: Minor
Citation:	1415 OP 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) 810 PERMIT	
Description:	Failure to maintain readily accessible calibration records.	
Self Report?	NO	Classification: Moderate
Citation:	1415 OP 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) 810 PERMIT	
Description:	Failure to conduct weekly total dissolved solids (TDS) testing.	
Self Report?	NO	Classification: Minor
Citation:	1415 OP 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) 813 PERMIT	
Description:	Failure to report Continuous Emission Monitoring System (CEMS) downtime within 24 hours of discovery to the TCEQ Region 14 Office during a CEMS downtime excess of four hours.	
Self Report?	NO	Classification: Major
Citation:	1415 OP 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 111, SubChapter A 111.111 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) 809 PERMIT	
Description:	Failure to maintain a minimum flow of 2,350 standard cubic feet per hour (SCFH) of supplemental natural gas flow to the ring burner.	
Self Report?	NO	Classification: Moderate
Citation:	1415 OP 1415 PERMIT 23271 PERMIT 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c) 5C THSC Chapter 382 382.085(b)	
Description:	Failure to conduct annual calibration in a timely manner.	
Self Report?	NO	Classification: Moderate
Citation:	1415 OP 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b) 5C THSC Chapter 382 382.085(b) 812 PERMIT 813 PERMIT 9560 PERMIT	

Description: Failure to conduct calibrations in a timely manner.
 Self Report? NO Classification: Moderate
 Citation: 1415 OP
 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)
 810 PERMIT

Description: Failure to sum the Maintenance, Start-Up, and Shutdown (MSS) emissions monthly.
 Self Report? NO Classification: Moderate
 Citation: 1415 OP
 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)
 810 PERMIT

Description: Failure to update the MSS emissions on a monthly basis.
 Self Report? NO Classification: Moderate
 Citation: 1415 OP
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
 5C THSC Chapter 382 382.085(b)
 810 PERMIT

Description: Failure to conduct visual inspection once every 12 months for tanks.

6 Date: 02/23/2023 (1868068)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition No. 3A(iv)(1) OP

Description: Failure to conduct visible emissions monitoring at least once during each calendar quarter.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 10 PERMIT
 Special Term and Condition No. 22 OP

Description: Failure to conduct wastewater sampling at least once during each calendar quarter.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 14 PERMIT
 Special Term and Condition No. 22 OP

Description: Failure to comply with permitted maximum hourly loading rates.

F. Environmental audits:

Notice of Intent Date: 10/24/2018 (1526495)
 Disclosure Date: 01/29/2019
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(4)

Description: Failed to implement the new operating parameter limits included in the Notification of Compliance Status for Boilers 7 and 8 signed on May 22, 2018.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(4)

Description: Failed to report excess emissions of NOX from Boiler 7 during a period of Subpart D applicability on April 27 and 28, 2018. Specifically, the performance test for Boilers 7 and 8 performed under 40 CFR 60 Subpart D resulted in an emissions rate below 70% of the emission standard for oxides of nitrogen (NOx). As a result, Subpart D did not require the units to use continuous emissions monitoring systems for NOx. However, the units had NOx analyzers on the individual ducts.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(e)

Description: Failed to use the required method to convert NOx concentration data to units of the standard using the F-factor for the appropriate fuel consumed. Specifically, the conversion was performed using the correlation between combustion air flow and stack gas flow derived from the Hazardous Waste Combustion

MACT (MACT EEE) performance test, which did not conform to the method required by the regulation (NSPS D).

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 13.A.

Description: Failed to maintain required monitored emission rate data stored in units of pounds per hour on a 30-day rolling average basis for the West Power House. Specifically, this data was not readily available.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 18.A.

PERMIT SC No. 5.A.

PERMIT SC No. 5.B.

PERMIT SC No. 6

Description: Failed to generate and maintain 24-hour and 30-day rolling average emissions data for the Cogen unit. Specifically, this data was not readily available after February 2017.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 75, SubChapter C, PT 75, SubPT H 75.70(a)(2)

Description: Failed to perform sampling for methane or gross calorific value required by the referenced section of 40 CFR Part 75 Appendix D. Natural gas sampling was performed as required by 40 CFR 60 Subpart GG to demonstrate compliance with the sulfur standard.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 10.E.

Description: Failed to maintain records of tank throughput for the previous month and the past 12 consecutive months for August and September 2018.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 41

Description: Failed to review the control efficiency calculations of the VNOx system. Specifically, the Special Condition No. 41 of Permit No. 810 requires the VNOx system to operate at an overall N2O control efficiency of 95% for Adipic Acid unit off gas (there are no monitoring requirements or operating parameter limits specified in the permit to assure 95% control efficiency). The efficiency appeared to be calculated in the site monitoring system but this data was not routinely reviewed.

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

Disclosure Date: 10/09/2019

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 and 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 17 TFX548 (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: 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:

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
RN102663671

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

AGREED ORDER DOCKET NO. 2021-0858-WDW-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 (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 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).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361, TEX. WATER CODE ch. 27, 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 \$148,140 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$59,257 of the penalty and \$29,627 of the penalty 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 of 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, \$59,256 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. Revised the 3rd Quarter 2019 Injection Report to include accurate values for the annulus differential pressure for WDW029 by July 1, 2021;
 - b. 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, WDW029, WDW105, WDW106, and WDW143 by November 2, 2022;
 - c. Developed and implemented procedures designed to ensure chemical and physical characteristics of injected fluids are maintained within permit limits for WDW004, WDW029, WDW030, WDW106, and WDW144 by March 12, 2021;
 - d. Developed and implemented procedures designed to ensure all gauges, pressure sensing, and recording devices are tested and calibrated quarterly for WDW004, WDW029, WDW030, WDW105, WDW106, WDW143, and WDW144 by August 3, 2021; and
 - e. Developed and implemented procedures designed to ensure that injected fluids are analyzed with a frequency sufficient to yield representative data of their characteristics for WDW143 by September 7, 2021.

II. ALLEGATIONS

During an investigation at the Facility conducted on April 22, 2021, an investigator documented that the Respondent:

1. 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 CODE OF FEDERAL REGULATIONS ("CFR") § 146.67(c), and Underground Injection Control ("UIC") Permit Nos. Waste Disposal Well ("WDW") 105 and WDW143, Permit Provision ("PP") VII.E. Operating Parameters. Specifically, the annulus differential pressure dropped below 100 psig one time on March 18, 2021 (lowest pressure recorded -55.46 psig) for a total of 178 minutes for WDW105; and three times on August 13, 2020 (lowest pressure recorded -55.46 psig) for a total of 47 minutes for WDW143.
2. Failed to test and calibrate quarterly all gauges, pressure sensing, and recording devices, in violation of 30 TEX. ADMIN. CODE § 331.63(g). Specifically, the wellhead analog gauges were not calibrated quarterly for WDW105 and WDW143.
3. Failed to sample and analyze injected fluids with a frequency sufficient to yield representative data of their characteristics, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 331.64(b), 40 CFR § 146.68(a), and UIC Permit No. WDW143, PP VII.F. Monitoring and Testing. Specifically, on March 29, 2021, a grab sample of injected fluids was not collected or analyzed for WDW143.
4. 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 UIC Permit No. WDW029, PP IX. Record Keeping Requirements. Specifically, the WDW029 3rd Quarter 2019 Injection Report for July 2019 did not have an accurately reported value for the annulus differential pressure (the lowest value should have been reported as -30 psig).
5. Failed to test and calibrate quarterly all gauges, pressure sensing, and recording devices, in violation of 30 TEX. ADMIN. CODE § 331.63(g). Specifically, the wellhead analog gauges were not calibrated quarterly for WDW004, WDW029, WDW030, WDW106, and WDW144.
6. 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 Nos. WDW004, WDW029, and WDW106, PP VII.E. Operating Parameters. Specifically, the annulus differential pressure dropped below 100 psig two times on September 18, 2019 (lowest pressure recorded -55.46 psig) for a total of 38 minutes for WDW004; one time on July 17, 2019 (lowest pressure recorded -30.71 psig) for 136 minutes for WDW029; and two times on March 22, 2020 (lowest pressure recorded -55.46 psig) for a total of 17 minutes and one time on September 16, 2020 (lowest pressure recorded -80 psig) for a period of 20 minutes for WDW106.
7. Failed to maintain any chemical or physical characteristic of the injected fluids within specified permit limits, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 331.63(h), 40 CFR § 146.67(c), and UIC Permit Nos. WDW004, WDW029, 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 July 29, 2020 (pH 12.7) and

October 6, 2020 (pH 13.2); for WDW106 on September 10, 2020 (pH 13.1); and for WDW144 on July 29, 2020 (pH 12.7), and October 6, 2020 (pH 13.2). Additionally, the injected waste streams were below the pH minimum of 1.0 for WDW029 on January 25, 2020 (pH 0.6), and for WDW030 on August 26, 2020 (pH 0.8).

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, Docket No. 2021-0858-WDW-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 \$59,256 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. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

10/29/2024

Date

Adam Remlinger

Name (Printed or typed)
Authorized Representative of
INV Nylon Chemicals Americas, LLC

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: 2021-0858-WDW-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INV Nylon Chemicals Americas, LLC
Payable Penalty Amount:	\$118,513
SEP Offset Amount:	\$59,256
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
Docket No. 2021-0858-WDW-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.