

Executive Summary – Enforcement Matter – Case No. 61244
INV Performance Surfaces, LLC
RN102663671
Docket No. 2021-1207-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

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: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 19, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$34,875

Amount Deferred for Expedited Settlement: \$6,975

Total Paid to General Revenue: \$13,950

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$13,950

Name of SEP: Texas Natural Gas Foundation (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: June 4, 2021 through June 18, 2021

Date(s) of NOE(s): August 13, 2021

Executive Summary – Enforcement Matter – Case No. 61244
INV Performance Surfaces, LLC
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Violation Information

1. Failed to maintain the ammonia ("NH₃") concentration in the stacks as measured by the continuous emissions monitoring system ("CEMS") from exceeding 10 parts per million by volume dry ("ppmvd") corrected to three percent oxygen ("3% O₂") on a 24-hour rolling average. Specifically, the Respondent exceeded the NH₃ concentration in the stacks by a range from 0.2 ppmvd to 18.7 ppmvd corrected to 3% O₂ on a 24-hour rolling average for 81 hours from February 24, 2020 through February 27, 2020 for Boiler No. 4 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 813, Special Conditions ("SC") No. 11, Federal Operating Permit ("FOP") No. O1867, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER. Specifically, the Respondent exceeded the nitrogen oxides ("NO_x") maximum allowable emissions rate ("MAER") of 42.00 pounds per hour ("lbs/hr") by 7.60 lbs/hr for one hour on February 23, 2020 and by 12.50 lbs/hr for one hour on April 3, 2020, resulting in 20.10 lbs of unauthorized NO_x emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 809, SC No. 1, FOP No. O1867, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By February 28, 2020, demonstrated compliance with the NH₃ concentration limit in the stacks as measured by the CEMS for Boiler No. 4;
- b. By April 3, 2020, replaced the air flow meters and restarted the unit in order to comply with the NO_x hourly maximum allowable emissions rate; and
- c. By September 30, 2020, transferred ownership of the Plant.

Technical Requirements:

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

Executive Summary – Enforcement Matter – Case No. 61244
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Docket No. 2021-1207-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Texas Natural Gas Foundation, 2315 Newfield Lane Austin, Texas 78703

Respondent: Brandon Bellinger, Plant Manager, INV Performance Surfaces, LLC, P.O. Box 2626, Victoria, Texas 77902

Jason Leigh, Technical Manager, INV Performance Surfaces, LLC, P.O. Box 2626, Victoria, Texas 77902

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	16-Aug-2021			
	PCW	3-Oct-2023	Screening	25-Aug-2021	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	INV Performance Surfaces, LLC				
Reg. Ent. Ref. No.	RN102663671				
Facility/Site Region	14-Corpus Christi		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	61244	No. of Violations	2
Docket No.	2021-1207-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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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	80.0%	Adjustment	Subtotals 2, 3, & 7	\$18,000
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Notes

Enhancement for five NOV's with same/similar violations, three NOV's with dissimilar violations, two orders containing a denial of liability, and one order without denial of liability. Reduction for six notices of intent to conduct an audit and five 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	-\$5,625
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$57
Estimated Cost of Compliance	\$13,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$34,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$34,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$34,875
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DEFERRAL	20.0%	Reduction	Adjustment	-\$6,975
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$27,900
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Screening Date25-Aug-2021

RespondentINV Performance Surfaces, LLC

Case ID No.61244

Reg. Ent. Reference No.RN102663671

MediaAir

Enf. CoordinatorYuliya Dunaway

Docket No.2021-1207-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	5	-10%
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)80%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with same/similar violations, three NOVs with dissimilar violations, two orders containing a denial of liability, and one order without denial of liability. Reduction for six notices of intent to conduct an audit and five disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)80%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%80%

Screening Date	25-Aug-2021	Docket No.	2021-1207-AIR-E	PCW
Respondent	INV Performance Surfaces, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61244			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102663671			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 813, Special Conditions ("SC") No. 11, Federal Operating Permit ("FOP") No. O1867, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain the ammonia ("NH3") concentration in the stacks as measured by the continuous emissions monitoring system ("CEMS") from exceeding 10 parts per million by volume dry ("ppmvd") corrected to three percent oxygen ("3% O2") on a 24-hour rolling average. Specifically, the Respondent exceeded the NH3 concentration in the stacks by a range from 0.2 ppmvd to 18.7 ppmvd corrected to 3% O2 on a 24-hour rolling average for 81 hours from February 24, 2020 through February 27, 2020 for Boiler No. 4.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			x
	Potential			
		Percent	30.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	Adjustment	\$17,500		
			\$7,500	
Violation Events				
	Number of Violation Events	1	3	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
	Violation Base Penalty	\$7,500		
	One monthly event is recommended for the period of non-compliance from February 24, 2020 through February 27, 2020.			
Good Faith Efforts to Comply	25.0%		Reduction	\$1,875
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary	x			
N/A				
Notes	The Respondent completed the corrective measures by February 28, 2020, prior to the Notice of Enforcement ("NOE") dated August 13, 2021.			
	Violation Subtotal	\$5,625		
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$2	Violation Final Penalty Total	\$11,625
	This violation Final Assessed Penalty (adjusted for limits)			\$11,625

Economic Benefit Worksheet

Respondent INV Performance Surfaces, LLC
Case ID No. 61244
Reg. Ent. Reference No. RN102663671
Media Air
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	24-Feb-2020	28-Feb-2020	0.01	\$2	n/a	\$2
Notes for DELAYED costs	Estimated costs to demonstrate compliance with the NH3 concentration limit in the stacks as measured by the CEMS for Boiler No. 4. Date Required is the initial date of non-compliance. 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	\$3,000	TOTAL	\$2
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Screening Date 25-Aug-2021 Respondent INV Performance Surfaces, LLC Case ID No. 61244 Reg. Ent. Reference No. RN102663671 Media Air Enf. Coordinator Yuliya Dunaway		Docket No. 2021-1207-AIR-E <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	PCW																	
Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 809, SC No. 1, FOP No. O1867, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)		Violation Description Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 42.00 pounds per hour ("lbs/hr") by 7.60 lbs/hr for one hour on February 23, 2020 and by 12.50 lbs/hr for one hour on April 3, 2020, resulting in 20.10 lbs of unauthorized NOx emissions.																		
		Base Penalty	\$25,000																	
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1"> <tr> <td></td> <td colspan="3">Harm</td> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td>x</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual			x	Potential				Percent 30.0%
		Harm																		
	Release	Major	Moderate	Minor																
Actual			x																	
Potential																				
>> Programmatic Matrix																				
	<table border="1"> <tr> <td></td> <td>Falsification</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Falsification	Major	Moderate	Minor						Percent 0.0%						
	Falsification	Major	Moderate	Minor																
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.																			
			Adjustment	\$17,500																
				\$7,500																
Violation Events																				
Number of Violation Events		2	Number of violation days																	
	<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td>x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty				
daily																				
weekly																				
monthly	x																			
quarterly																				
semiannual																				
annual																				
single event																				
		\$15,000																		
Two monthly events are recommended for the instances of non-compliance on February 23, 2020 and April 3, 2020.																				
Good Faith Efforts to Comply		25.0%	Reduction	\$3,750																
	Before NOE/NOV Extraordinary Ordinary N/A	NOE/NOV to EDPRP/Settlement Offer <table border="1"> <tr><td></td><td></td></tr> <tr><td>x</td><td></td></tr> <tr><td></td><td></td></tr> </table>			x															
x																				
Notes	The Respondent completed the corrective measures on April 3, 2020, prior to the NOE dated August 13, 2021.																			
			Violation Subtotal	\$11,250																
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount		\$55	Violation Final Penalty Total	\$23,250																
This violation Final Assessed Penalty (adjusted for limits)			\$23,250																	

Economic Benefit Worksheet

Respondent INV Performance Surfaces, LLC
Case ID No. 61244
Reg. Ent. Reference No. RN102663671
Media Air
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				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)	\$10,000	23-Feb-2020	3-Apr-2020	0.11	\$55	n/a	\$55

Notes for DELAYED costs

Estimated cost to replace the air flow meters and restart the unit in order to comply with the NOx hourly MAER. Date Required is the first date of non-compliance. 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

\$10,000

TOTAL

\$55



Compliance History Report

Compliance History Report for CN602582231, RN102663671, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN602582231, Inv Performance Surfaces, LLC	Classification:	SATISFACTORY	Rating:	4.46
Regulated Entity:	RN102663671, INV NYLON Chemicals Americas Victoria Site	Classification:	SATISFACTORY	Rating:	4.83
Complexity Points:	53	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	2695 Old Bloomington Road North, 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
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 169856
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: February 27, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 27, 2018 to February 27, 2023

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)
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	April 06, 2018	(1435175)
Item 2	April 18, 2018	(1493672)
Item 3	May 04, 2018	(1482739)
Item 4	May 17, 2018	(1500590)
Item 5	June 11, 2018	(1486276)
Item 6	June 14, 2018	(1507707)
Item 7	July 18, 2018	(1514024)
Item 8	August 02, 2018	(1506476)

Item 9	August 20, 2018	(1520086)
Item 10	August 27, 2018	(1512265)
Item 11	September 20, 2018	(1527251)
Item 12	September 28, 2018	(1513672)
Item 13	October 01, 2018	(1513685)
Item 14	October 11, 2018	(1519563)
Item 15	October 17, 2018	(1533609)
Item 16	October 24, 2018	(1519338)
Item 17	November 29, 2018	(1525087)
Item 18	January 14, 2019	(1532406)
Item 19	January 17, 2019	(1559659)
Item 20	January 24, 2019	(1539278)
Item 21	February 19, 2019	(1559657)
Item 22	February 25, 2019	(1549775)
Item 23	March 18, 2019	(1559658)
Item 24	March 29, 2019	(1551550)
Item 25	April 18, 2019	(1571825)
Item 26	May 20, 2019	(1583259)
Item 27	May 28, 2019	(1569602)
Item 28	May 30, 2019	(1553423)
Item 29	June 19, 2019	(1583260)
Item 30	June 21, 2019	(1575818)
Item 31	June 28, 2019	(1570896)
Item 32	July 02, 2019	(1578105)
Item 33	July 11, 2019	(1575847)
Item 34	July 19, 2019	(1593138)
Item 35	August 01, 2019	(1580321)
Item 36	August 07, 2019	(1579874)
Item 37	August 08, 2019	(1580982)
Item 38	October 17, 2019	(1613235)
Item 39	October 31, 2019	(1604035)
Item 40	November 01, 2019	(1604022)
Item 41	December 12, 2019	(1611822)
Item 42	December 19, 2019	(1626401)
Item 43	February 18, 2020	(1640661)
Item 44	March 18, 2020	(1647181)
Item 45	April 17, 2020	(1653517)
Item 46	May 27, 2020	(1651341)
Item 47	June 18, 2020	(1666608)
Item 48	June 26, 2020	(1657712)
Item 49	June 29, 2020	(1658245)
Item 50	July 16, 2020	(1673565)
Item 51	July 29, 2020	(1665306)
Item 52	August 05, 2020	(1665506)
Item 53	August 17, 2020	(1680340)
Item 54	August 25, 2020	(1650930)
Item 55	August 31, 2020	(1671744)
Item 56	September 17, 2020	(1686909)
Item 57	September 25, 2020	(1678190)
Item 58	October 06, 2020	(1679294)
Item 59	October 20, 2020	(1679423)
Item 60	October 26, 2020	(1684969)
Item 61	November 12, 2020	(1712458)
Item 62	November 13, 2020	(1685140)
Item 63	November 17, 2020	(1686149)
Item 64	December 03, 2020	(1691410)
Item 65	December 09, 2020	(1678701)
Item 66	December 15, 2020	(1691806)
Item 67	December 16, 2020	(1712459)
Item 68	January 18, 2021	(1712460)
Item 69	February 19, 2021	(1725513)

Item 70	March 03, 2021	(1703786)
Item 71	March 19, 2021	(1725514)
Item 72	April 15, 2021	(1725515)
Item 73	May 03, 2021	(1709524)
Item 74	May 04, 2021	(1710914)
Item 75	May 13, 2021	(1710534)
Item 76	May 14, 2021	(1712031)
Item 77	May 20, 2021	(1740063)
Item 78	May 26, 2021	(1710985)
Item 79	June 18, 2021	(1747579)
Item 80	June 23, 2021	(1705863)
Item 81	June 24, 2021	(1736788)
Item 82	July 26, 2021	(1739026)
Item 83	August 17, 2021	(1739533)
Item 84	August 23, 2021	(1756053)
Item 85	September 01, 2021	(1711431)
Item 86	September 16, 2021	(1766249)
Item 87	September 21, 2021	(1739229)
Item 88	October 13, 2021	(1749279)
Item 89	October 14, 2021	(1761660)
Item 90	November 15, 2021	(1760676)
Item 91	November 18, 2021	(1783621)
Item 92	November 19, 2021	(1772262)
Item 93	December 02, 2021	(1775280)
Item 94	December 16, 2021	(1790647)
Item 95	January 13, 2022	(1783386)
Item 96	January 14, 2022	(1771086)
Item 97	January 20, 2022	(1798441)
Item 98	January 28, 2022	(1788912)
Item 99	January 31, 2022	(1788875)
Item 100	February 16, 2022	(1806315)
Item 101	March 10, 2022	(1797521)
Item 102	March 16, 2022	(1802220)
Item 103	March 23, 2022	(1802329)
Item 104	April 18, 2022	(1810107)
Item 105	April 20, 2022	(1819953)
Item 106	April 27, 2022	(1810657)
Item 107	May 11, 2022	(1796443)
Item 108	May 19, 2022	(1828792)
Item 109	June 16, 2022	(1812845)
Item 110	June 17, 2022	(1835084)
Item 111	July 14, 2022	(1827089)
Item 112	July 19, 2022	(1842289)
Item 113	August 11, 2022	(1834044)
Item 114	August 18, 2022	(1848422)
Item 115	August 19, 2022	(1838977)
Item 116	September 20, 2022	(1856220)
Item 117	September 21, 2022	(1840478)
Item 118	September 29, 2022	(1845858)
Item 119	September 30, 2022	(1845930)
Item 120	October 05, 2022	(1845935)
Item 121	October 07, 2022	(1845936)
Item 122	October 11, 2022	(1847856)
Item 123	October 20, 2022	(1862577)
Item 124	November 06, 2022	(1853154)
Item 125	November 08, 2022	(1854956)
Item 126	November 18, 2022	(1856059)
Item 127	November 21, 2022	(1856090)
Item 128	December 06, 2022	(1861472)
Item 129	December 07, 2022	(1845917)
Item 130	December 08, 2022	(1846350)

Item 131	December 20, 2022	(1847190)
Item 132	December 21, 2022	(1852404)
Item 133	December 29, 2022	(1855538)
Item 134	January 03, 2023	(1862007)
Item 135	January 19, 2023	(1868652)
Item 136	January 20, 2023	(1868553)
Item 137	January 31, 2023	(1873402)
Item 138	February 13, 2023	(1868989)
Item 139	February 21, 2023	(1873481)

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: 02/28/2022 (1813382) | | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 2 | Date: 03/31/2022 (1795010) | | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 22A PA
STC 28 OP | | |
| | Description: Failure to conduct the required once per 12-hour shift Audio, Visual, and Olfactory (AVO) inspection for leaks within the operating area. | | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 17B PA
STC 28 OP | | |
| | Description: Failure to maintain an emissions record which includes calculated emissions of VOC from all storage tanks during the previous calendar month and the past consecutive 12-month period. | | |
| | Self Report? YES | Classification: Minor | |
| | Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)
SC 5D PA
STC 28 OP | | |
| | Description: Failure to equip each open-ended valve or line (OEL) with a cap, blind flange, plug, or a second valve. | | |
| 3 | 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. | | |
| 4 | 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.

5 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.

6 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.

7

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)
 5C THSC Chapter 382 382.085(b)

Description: Failure to operate the emergency engine within the permitted limits.

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.

8

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: 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.

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 PERFORMANCE SURFACES, LLC
RN102663671

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1207-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owned and operated a chemical manufacturing plant located at 2695 Old Bloomington Road North in Victoria, Victoria County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$34,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$13,950 of the penalty and \$6,975 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 or 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, \$13,950 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of the 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 Agreements, 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 Plant:
 - a. By February 28, 2020, demonstrated compliance with the ammonia ("NH₃") concentration limit in the stacks as measured by the continuous emissions monitoring system ("CEMS") for Boiler No. 4;
 - b. By April 3, 2020, replaced the air flow meters and restarted the unit in order to comply with the nitrogen oxides ("NO_x") hourly maximum allowable emissions rate ("MAER"); and
 - c. By September 30, 2020, transferred ownership of the Plant.

II. ALLEGATIONS

During a record review for the Plant conducted from June 4, 2021 through June 18, 2021, an investigator documented that the Respondent:

1. Failed to maintain the NH₃ concentration in the stacks as measured by the CEMS from exceeding 10 parts per million by volume dry ("ppmvd") corrected to three percent oxygen ("3% O₂") on a 24-hour rolling average, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 813, Special Conditions ("SC") No. 11, Federal Operating Permit ("FOP") No. O1867, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NH₃ concentration in the stacks by a range from 0.2 ppmvd to 18.7 ppmvd corrected to 3% O₂ on a 24-hour rolling average for 81 hours from February 24, 2020 through February 27, 2020 for Boiler No. 4.

2. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 809, SC No. 1, FOP No. O1867, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx MAER of 42.00 pounds per hour ("lbs/hr") by 7.60 lbs/hr for one hour on February 23, 2020 and by 12.50 lbs/hr for one hour on April 3, 2020, resulting in 20.10 lbs of unauthorized NOx emissions.

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 Performance Surfaces, LLC, Docket No. 2021-1207-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$13,950 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.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this 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.

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

INV Performance Surfaces, LLC
DOCKET NO. 2021-1207-AIR-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

5/3/2024

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

DocuSigned by:



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Signature

November 14, 2023

Date

Jason Leigh

Technical Manager

Name (Printed or typed)

Title

Authorized Representative of
INV Performance Surfaces, LLC

☐ *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: 2021-1207-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INV Performance Surfaces, LLC
Payable Penalty Amount:	\$27,900
SEP Offset Amount:	\$13,950
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Texas Natural Gas Foundation
Project Name:	<i>High Emission Vehicle Replacement Project</i>
Location of SEP:	TCEQ Air Quality Control Region 214 – Corpus Christi-Victoria - Preference for Victoria County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above, **Texas Natural Gas Foundation**, for the *High Emission Vehicle Replacement Project* (the “Project”). The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to reimburse an eligible public entity for the total purchase price or five-year lease price of a standard base model alternative-fueled vehicle that will replace an eligible older, diesel-fueled vehicle that the public entity has decommissioned and removed from its fleet. Public entities eligible to receive assistance include state agencies, counties, municipalities, school districts, or other political subdivisions created under the constitution or any statute of this state.

Old, diesel-fueled vehicles emit large amounts of nitrogen oxides (“NOx”) and particulate matter (“PM”), as well as other harmful pollutants such as volatile organic compounds (“VOCs”) and carbon monoxide (“CO”). These pollutants contribute to serious public health problems. This Project shall reduce NOx, PM, VOCs, and CO emissions by replacing high-emission, diesel-fueled vehicles with low-emission, alternative-fueled vehicles. 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 will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, replacing a model year 2002 heavy-duty diesel dump truck with a model year 2010 or newer dump truck powered by natural gas or propane may reduce passengers' exposure to NO_x by 95% and PM by 99.9%. Moreover, replacing a model year 1989 diesel school bus with a model year 2010 or newer school bus powered by natural gas or propane may reduce passengers' exposure to NO_x by 98%, VOCs by 83%; and PM by 99%.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Natural Gas Foundation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Natural Gas Foundation
Attention: Heather Ball, Executive Director
2315 Newfield Lane
Austin, Texas 78703

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

INV Performance Surfaces, LLC
Docket No. 2021-1207-AIR-E
Agreed Order - Attachment A

Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. 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.