

Executive Summary – Enforcement Matter – Case No. 61837
INV Nylon Chemicals Americas, LLC
RN104392626
Docket No. 2022-0126-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 Orange Site, 3055A Farm-to-Market Road 1006, Orange, Orange County

Type of Operation:

Industrial organic 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: July 28, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$94,952

Total Paid to General Revenue: \$94,952

Total Due to General Revenue: \$0

Payment Plan: N/A

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: December 20, 2021, May 20, 2022, and May 16, 2022 through May 18, 2022

Date(s) of NOE(s): January 21, 2022, June 2, 2022, and July 15, 2022

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Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,971.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 368140) that occurred on October 11, 2021 and lasted two hours and 15 minutes. The emissions event occurred when the insulation on the impulse line was removed but not replaced that caused the hexamethylenediamine to freeze and to develop a plug in the impulse line, resulting in the rupture of the impulse line and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 1303, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1898, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 18.62 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending on March 2020, April 2020, and July 2020 and the ammonia ("NH3") MAER of 4.88 tpy based on a 12-month rolling period for the 12-month periods ending on July 2020 for the Start-Up Flare, Emissions Point Number ("EPN") PH2, resulting in 1.16 tons of unauthorized CO emissions and 0.17 ton of unauthorized NH3 emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 1302 and PSDTX1085, SC No. 1, FOP No. O1897, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to report all instances of deviations. Specifically, the deviation report for the October 1, 2020 through March 31, 2021 reporting period did not include the deviations for failing to comply with the nitrogen oxides ("NOx") heat input, failing to operate the Continuous Monitoring System ("CMS") with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 65 semiannual report, failing to submit an initial notification for Incident No. 347189, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, and failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent. Also, the deviation report for the April 1, 2021 through September 30, 2021 reporting period did not include the deviations for failing to comply with the NOx heat input, failing to operate the CMS with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CFR Part 65 semiannual report, failing to record the visible emissions observations for the Dust Collector, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent, and failing to create a final record

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for an emissions event that began on July 15, 2021 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1897, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to make the records for the non-reportable emissions events readily available upon request. Specifically, the final records for 35 non-reportable emissions events were requested to be provided by June 20, 2022 and the Respondent provided the final records for 28 non-reportable emissions events on June 20, 2022, but the final records for seven non-reportable emissions were not provided until July 1, 2022 [30 TEX. ADMIN. CODE §§ 101.201(b) and 122.143(4), FOP No. O1897, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to record the quarterly visible emissions observations for the Dust Collector. Specifically, the Respondent did not record the visible emissions observation conducted for the Dust Collector during the second quarter of 2021 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1897, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to record the quarterly visible emissions observations for Fire Pump Engine 1. Specifically, the Respondent did not record the visible emissions observations conducted for Fire Pump Engine 1 during the first and second quarters of 2021 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1897, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to record the quarterly visible emissions observations for Fire Pump Engine 2. Specifically, the Respondent did not record the visible emissions observations conducted for Fire Pump Engine 2 during the first and second quarters of 2021 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1897, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to maintain the calibration records for the Nickel Dumping Station Filter. Specifically, the Respondent did not maintain the calibration records for the Nickel Dumping Station Filter [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 1302 and PSDTX1085, General Conditions ("GC") No. 7 and SC No. 12.D, FOP No. O1897 GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent did not represent any maintenance, startup, and shutdown activities and the associated emissions in the application for NSR Permit Nos. 1302 and PSDTX1085, but the Respondent conducted planned maintenance on the conservation vents/emergency vents for several fixed roof tanks prior to obtaining the proper authorization [30 TEX. ADMIN. CODE §§ 116.116(a)(1) and 122.143(4), FOP No. O1897, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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10. Failed to identify all required information on the final record for a non-reportable emissions event. Specifically, the Respondent did not accurately identify the date and time of the discovery of the emissions event, the estimated duration of the emissions, and the basis used for determining the quantity of air contaminants emitted on the final records for the non-reportable emissions events that were reported as deviations in the deviation reports for the October 1, 2020 through March 31, 2021 and April 1, 2021 through September 30, 2021 reporting periods [30 TEX. ADMIN. CODE §§ 101.201(b)(2)(E), (F), and (I) and 122.143(4), FOP No. O1897, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to prevent unauthorized emissions. Specifically, the Respondent released 179.56 lbs of NH₃ from the No. 1 Vent Stack, EPN PE-20, released 0.57 lb of VOC from B233 Fugitives, EPN PE-55, and released 1.15 lbs of NH₃ and 0.26 lb of VOC from B261 Fugitives, EPN PE-52, during an emissions event (Incident No. 375578) that occurred on March 5, 2022 and lasted two hours and 37 minutes. The emissions event occurred when the power to the Boiler 5 Forced Draft Fan Turbine Speed Transmitter Circuit was disrupted, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1303, SC No. 1, FOP No. O1898, GTC and STC No. 19, 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 August 31, 2020, implemented a MAER tracking tool that demonstrated compliance with the CO and NH₃ annual MAERs for the Start-Up Flare, EPN PH2;
- b. On October 1, 2021, implemented a new electronic-based task management system in order to ensure that the quarterly visible emissions observations conducted for the Dust Collector, Fire Pump Engine 1, and Fire Pump Engine 2 are recorded;
- c. By February 10, 2022, replaced and re-insulated the tubing, reviewed the other areas where insulation was removed after Winter Storm Uri to ensure that the insulation had been replaced, and revised the Hexamethylenediamine Area procedures to state that the requirement for insulation of all lines in hexamethylenediamine service in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 368140;
- d. On March 6, 2022, replaced a blown fuse, checked additional fuses, checked all connections in the boiler circuit, and checked all Distributed Control System cards in

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the Programmable Control Unit cabinet in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 375578;

e. By April 20, 2022, began maintaining the calibration records for the Nickel Dumping Station Filter;

f. On May 2, 2022, submitted a revised deviation report for the October 1, 2021 through March 31, 2022 reporting period that included the deviation for failing to comply with the NOx heat input;

g. On July 1, 2022, provided the records requested for the 35 non-reportable emissions events; and

h. By March 31, 2023, implemented an improvement to the Enablon database in order to ensure that all of the required information are identified on the final records for the non-reportable emissions events.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Submit a revised deviation report for the October 1, 2020 through March 31, 2021 reporting period to report the deviations for failing to operate the CMS with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CFR Part 65 semiannual report, failing to submit an initial notification for Incident No. 347189, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, and failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent;

ii. Submit a revised deviation report for the April 1, 2021 through September 30, 2021 reporting period to report the deviations for failing to operate the CMS with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CFR Part 65 semiannual report, failing to record the visible emissions observations for the Dust Collector, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent, and failing to create a final record for an emissions event that began on July 15, 2021;

iii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner; and

iv. Submit an administratively complete registration for a Permit by Rule or application to amend NSR Permit Nos. 1302 and PSDTX1085 to authorize the planned maintenance conducted on the conservation vents/emergency vents for the fixed roof tanks.

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b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the registration for a PBR or amendment application for NSR Permit Nos. 1302 and PSDTX1085 by any deadline specified in writing.

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

d. Within 180 days, submit written certification that either the authorization for the planned maintenance conducted on the conservation vents/emergency vents for the fixed roof tanks has been obtained or operations have ceased until such time that appropriate authorization is obtained to demonstrate to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Chance Fenetz, Production Manager, INV Nylon Chemicals Americas, LLC, 2760 Farm-to-Market Road 1006, Orange, Texas 77630

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	25-Jan-2022	Screening	25-Jan-2022	EPA Due	11-Jan-2023
	PCW	2-Jun-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	INV Nylon Chemicals Americas, LLC
Reg. Ent. Ref. No.	RN104392626
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61837	No. of Violations	11
Docket No.	2022-0126-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		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	\$57,000
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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	85.0%	Adjustment	Subtotals 2, 3, & 7	\$48,450
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Notes: Enhancement for four NOVs with same or similar violations and four agreed orders containing a denial of liability. Reduction for seven notices of intent to conduct an audit and four 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	-\$10,498
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,288
 Estimated Cost of Compliance: \$36,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$94,952
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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	\$94,952
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$94,952
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$94,952
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Screening Date 25-Jan-2022

Docket No. 2022-0126-AIR-E

PCW

Respondent INV Nylon Chemicals Americas, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61837

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104392626

Media Air

Enf. Coordinator Johnnie Wu

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>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	7	-7%
	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>)	4	-8%
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) 85%

>> 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 four NOVs with same or similar violations and four agreed orders containing a denial of liability. Reduction for seven notices of intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 85%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 85%

Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61837 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104392626
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 1303, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1898, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,971.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 368140) that occurred on October 11, 2021 and lasted two hours and 15 minutes. The emissions event occurred when the insulation on the impulse line was removed but not replaced that caused the hexamethylenediamine to freeze and to develop a plug in the impulse line, resulting in the rupture of the impulse line and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$750

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

Notes The Respondent completed the corrective measures by February 10, 2022, after the Notice of Enforcement ("NOE") dated January 21, 2022.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$167 **Violation Final Penalty Total** \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
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)	\$10,000	11-Oct-2021	10-Feb-2022	0.33	\$167	n/a	\$167

Notes for DELAYED costs

Estimated cost to replace and re-insulate the tubing, review the other areas where insulation was removed after Winter Storm Uri to ensure that the insulation had been replaced, and revise the Hexamethylenediamine Area procedures to state that the requirement for insulation of all lines in hexamethylenediamine service in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 368140. The Date Required is the date the emissions event occurred 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 \$10,000

TOTAL \$167

Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61837 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104392626
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 1302 and PSDTX1085, SC No. 1, FOP No. O1897, GTC and STC No. 27, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 18.62 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending on March 2020, April 2020, and July 2020 and the ammonia ("NH3") MAER of 4.88 tpy based on a 12-month rolling period for the 12-month period ending on July 2020 for the Start-Up Flare, Emissions Point Number ("EPN") PH2, resulting in 1.16 tons of unauthorized CO emissions and 0.17 ton of unauthorized NH3 emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 92 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three monthly events are recommended for the period of non-compliance from March 1, 2020 through April 30, 2020 and July 1, 2020 through July 31, 2020.

Good Faith Efforts to Comply 25.0% Reduction \$5,625

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by August 31, 2020, prior to the NOE dated July 15, 2022.

Violation Subtotal \$16,875

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$38 **Violation Final Penalty Total** \$36,000
This violation Final Assessed Penalty (adjusted for limits) \$36,000

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
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	\$1,500	1-Mar-2020	31-Aug-2020	0.50	\$38	n/a	\$38
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 cost to implement a MAER tracking tool that demonstrated compliance with the CO and NH3 annual MAERs for the Start-Up Flare, EPN PH2. The Date Required is the first date of non-compliance 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 \$1,500

TOTAL \$38

Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
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Enf. Coordinator Johnnie Wu

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1897, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to report all instances of deviations. Specifically, the deviation report for the October 1, 2020 through March 31, 2021 reporting period did not include the deviations for failing to comply with the nitrogen oxides ("NOx") heat input, failing to operate the Continuous Monitoring System ("CMS") with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 Code of Federal Regulations ("CFR") Part 65 semiannual report, failing to submit an initial notification for Incident No. 347189, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, and failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent. Also, the deviation report for the April 1, 2021 through September 30, 2021 reporting period did not include the deviations for failing to comply with the NOx heat input, failing to operate the CMS with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CFR Part 65 semiannual report, failing to record the visible emissions observations for the Dust Collector, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent, and failing to create a final record for an emissions event that began on July 15, 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	

More than 30% and less than 70% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2 452 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended (one event for each deviation report).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$289

Violation Final Penalty Total \$925

This violation Final Assessed Penalty (adjusted for limits) \$925

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
Media Air
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	\$1,500	30-Apr-2021	1-Feb-2024	2.76	\$207	n/a	\$207
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Apr-2021	2-May-2022	1.01	\$13	n/a	\$13
Other (as needed)	\$500	30-Apr-2021	1-Feb-2024	2.76	\$69	n/a	\$69

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the October 1, 2021 through March 31, 2022 reporting period to report the deviation for failing to comply with the NOx heat input (\$250), submit a revised deviation report for the October 1, 2020 through March 31, 2021 reporting period to report the deviations for failing to operate the CMS with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CFR Part 65 semiannual report, failing to submit an initial notification for Incident No. 347189, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, and failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent (\$250), submit a revised deviation report for the April 1, 2021 through September 30, 2021 reporting period to report the deviations for failing to operate the CMS with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CFR Part 65 semiannual report, failing to record the visible emissions observations for the Dust Collector, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent, and failing to create a final record for an emissions event that began on July 15, 2021 (\$250), and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the first deviations should have been reported and the Final Dates are the date of compliance and the estimated dates of compliance.

Avoided Costs ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,250

TOTAL \$289

Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61837 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104392626
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b) and 122.143(4), FOP No. O1897, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to make the records for the non-reportable emissions events readily available upon request. Specifically, the final records for 35 non-reportable emissions events were requested to be provided by June 20, 2022 and the Respondent provided the final records for 28 non-reportable emissions events on June 20, 2022, but the final records for seven non-reportable emissions were not provided until July 1, 2022.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 11 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended for the missing set of records.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes The Respondent completed the corrective measures on July 1, 2022, prior to the NOE dated July 15, 2022.

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$1 **Violation Final Penalty Total** \$401

This violation Final Assessed Penalty (adjusted for limits) \$401

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
Media Air
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	25-May-2022	1-Jul-2022	0.10	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to provide the records requested for the 35 non-reportable emissions events. 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

\$250

TOTAL

\$1

Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61837 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104392626
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1897, GTC and STC No. 27, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to record the quarterly visible emissions observations for the Dust Collector. Specifically, the Respondent did not record the visible emissions observation conducted for the Dust Collector during the second quarter of 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 91 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended for the incomplete records.

Good Faith Efforts to Comply 25.0% Reduction \$62

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent completed the corrective measures on October 1, 2021, prior to the NOE dated July 15, 2022.

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$19 **Violation Final Penalty Total** \$401

This violation Final Assessed Penalty (adjusted for limits) \$401

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,500	30-Jun-2021	1-Oct-2021	0.25	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to implement a new electronic-based task management system in order to ensure that the quarterly visible emissions observations conducted for the Dust Collector are recorded. The Date Required is the date the observations should have been recorded by 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 \$1,500

TOTAL \$19

Screening Date	25-Jan-2022	Docket No.	2022-0126-AIR-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61837			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN104392626			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1897, GTC and STC No. 27, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to record the quarterly visible emissions observations for Fire Pump Engine 1. Specifically, the Respondent did not record the visible emissions observations conducted for Fire Pump Engine 1 during the first and second quarters of 2021.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
			x		Percent 7.0%
Matrix Notes	More than 30% but less than 70% of the rule requirements were not met.				
					Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended for the incomplete set of records.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures on October 1, 2021, prior to the NOE dated July 15, 2022.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	31-Mar-2021	1-Oct-2021	0.50	\$38	n/a	\$38
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement a new electronic-based task management system in order to ensure that the quarterly visible emissions observations conducted for Fire Pump Engine 1 are recorded. The Date Required is the date the observations should have been recorded by 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

\$1,500

TOTAL

\$38

Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61837 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104392626
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. 01897, GTC and STC No. 27, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to record the quarterly visible emissions observations for Fire Pump Engine 2. Specifically, the Respondent did not record the visible emissions observations conducted for Fire Pump Engine 2 during the first and second quarters of 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
			x		7.0%

Matrix Notes More than 30% but less than 70% of the rule requirements were not met.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 181 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended for the incomplete set of records.

Good Faith Efforts to Comply 25.0% Reduction \$437

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

Notes The Respondent completed the corrective measures on October 1, 2021, prior to the NOE dated July 15, 2022.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$38 **Violation Final Penalty Total** \$2,801

This violation Final Assessed Penalty (adjusted for limits) \$2,801

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	31-Mar-2021	1-Oct-2021	0.50	\$38	n/a	\$38
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement a new electronic-based task management system in order to ensure that the quarterly visible emissions observations conducted for Fire Pump Engine 2 are recorded. The Date Required is the date the observations should have been recorded by 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

\$1,500

TOTAL

\$38

Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61837 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104392626
Media Air
Enf. Coordinator Johnnie Wu

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4),
 NSR Permit Nos. 1302 and PSDTX1085, General Conditions ("GC") No. 7 and SC No.
 12.D, FOP No. O1897, GTC and STC No. 27, and Tex. Health & Safety Code §
 382.085(b)

Violation Description
 Failed to maintain the calibration records for the Nickel Dumping Station Filter.
 Specifically, the Respondent did not maintain the calibration records for the Nickel
 Dumping Station Filter.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="20.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 8

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	\$1,500	20-Apr-2022	20-Apr-2022	0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to begin maintaining the calibration records for the Nickel Dumping Station Filter. The Date Required is the last day the calibration records were not maintained 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	\$1,500	TOTAL	\$0
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Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61837 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104392626
Media Air
Enf. Coordinator Johnnie Wu

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.116(a)(1) and 122.143(4), FOP No. O1897, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent did not represent any maintenance, startup, and shutdown activities and the associated emissions in the application for NSR Permit Nos. 1302 and PSDTX1085, but the Respondent conducted planned maintenance on the conservation vents/emergency vents for several fixed roof tanks prior to obtaining the proper authorization.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="20.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 9

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	\$5,000	16-May-2022	1-Aug-2024	2.21	\$553	n/a	\$553
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain authorization for the planned maintenance conducted on the conservation vents/emergency vents for the fixed roof tanks. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$553

Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61837 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104392626
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(2)(E), (F), and (I) and 122.143(4), FOP No. O1897, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to identify all required information on the final record for a non-reportable emissions event. Specifically, the Respondent did not accurately identify the date and time of the discovery of the emissions event, the estimated duration of the emissions, and the basis used for determining the quantity of air contaminants emitted on the final records for the non-reportable emissions events that were reported as deviations in the deviation reports for the October 1, 2020 through March 31, 2021 and April 1, 2021 through September 30, 2021 reporting periods (see the attached table for the Non-Reportable Emissions Events).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes
 Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 20 452 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

Twenty single events are recommended (one event for each incomplete final record).

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$144 **Violation Final Penalty Total** \$9,250

This violation Final Assessed Penalty (adjusted for limits) \$9,250

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	30-Apr-2021	31-Mar-2023	1.92	\$144	n/a	\$144

Notes for DELAYED costs

Estimated cost to implement an improvement to the Enablon database in order to ensure that all of the required information are identified on the final records for the non-reportable emissions events. The Date Required is the date the first final record was due to be created 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 \$1,500

TOTAL \$144

Screening Date 25-Jan-2022 **Docket No.** 2022-0126-AIR-E **PCW**
Respondent INV Nylon Chemicals Americas, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61837 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN104392626
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 11
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 1303, SC No. 1, FOP No. O1898, GTC and STC No. 19, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 179.56 lbs of NH3 from the No. 1 Vent Stack, EPN PE-20, released 0.57 lb of VOC from B233 Fugitives, EPN PE-55, and released 1.15 lbs of NH3 and 0.26 lb of VOC from B261 Fugitives, EPN PE-52, during an emissions event (Incident No. 375578) that occurred on March 5, 2022 and lasted two hours and 37 minutes. The emissions event occurred when the power to the Boiler 5 Forced Draft Fan Turbine Speed Transmitter Circuit was disrupted, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> 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 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

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 on March 6, 2022, prior to the NOE dated June 2, 2022.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$1 **Violation Final Penalty Total** \$12,000
This violation Final Assessed Penalty (adjusted for limits) \$12,000

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 61837
Reg. Ent. Reference No. RN104392626
Media Air
Violation No. 11

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	5-Mar-2022	6-Mar-2022	0.00	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to replace a blown fuse, check additional fuses, check all connections in the boiler circuit, and check all Distributed Control System cards in the Programmable Control Unit cabinet in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 375578. The Date Required is the date the emissions event occurred 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 \$10,000

TOTAL \$1

INV Nylon Chemicals Americas, LLC
Case No. 61837; Docket No. 2022-0126-AIR-E

Non-Reportable Emissions Events		
Deviation Reporting Period	Non-Reportable Emissions Event No.	Issues with Final Record
October 1, 2020 through March 31, 2021	3	Missing start times
	5	Missing start times
	6	Missing basis used for determining the quantity of air contaminants emitted
	7 and 8	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	9	Missing basis used for determining the quantity of air contaminants emitted
	10	Missing basis used for determining the quantity of air contaminants emitted
	11	Missing estimated duration of the emissions
	12	Missing start date and estimated duration of the emissions
	14	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	15	Missing basis used for determining the quantity of air contaminants emitted
April 1, 2021 through September 30, 2021	1	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	2	Missing basis used for determining the quantity of air contaminants emitted
	3	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	6	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	7	Missing basis used for determining the quantity of air contaminants emitted
	8	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	9	Missing basis used for determining the quantity of air contaminants emitted
	14	Missing basis used for determining the quantity of air contaminants emitted
	15	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605811850, RN104392626, 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:	4.27
Regulated Entity:	RN104392626, INV NYLON CHEMICALS AMERICAS ORANGE SITE	Classification:	SATISFACTORY	Rating:	6.11
Complexity Points:	38	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	3055A FARM-TO-MARKET ROAD 1006 IN ORANGE, ORANGE COUNTY, TEXAS				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

AIR OPERATING PERMITS PERMIT 1897
AIR OPERATING PERMITS ACCOUNT NUMBER OCA002B
AIR NEW SOURCE PERMITS REGISTRATION 76385
AIR NEW SOURCE PERMITS PERMIT 1387
AIR NEW SOURCE PERMITS REGISTRATION 144029
AIR NEW SOURCE PERMITS REGISTRATION 33081
AIR NEW SOURCE PERMITS REGISTRATION 37818
AIR NEW SOURCE PERMITS REGISTRATION 43041
AIR NEW SOURCE PERMITS REGISTRATION 43816
AIR NEW SOURCE PERMITS REGISTRATION 56241
AIR NEW SOURCE PERMITS REGISTRATION 51530
AIR NEW SOURCE PERMITS REGISTRATION 51509
AIR NEW SOURCE PERMITS REGISTRATION 54974
AIR NEW SOURCE PERMITS PERMIT 1790
AIR NEW SOURCE PERMITS REGISTRATION 78657
AIR NEW SOURCE PERMITS REGISTRATION 78882
AIR NEW SOURCE PERMITS REGISTRATION 79898
AIR NEW SOURCE PERMITS REGISTRATION 81967
AIR NEW SOURCE PERMITS REGISTRATION 82408
AIR NEW SOURCE PERMITS REGISTRATION 82438
AIR NEW SOURCE PERMITS REGISTRATION 85930
AIR NEW SOURCE PERMITS REGISTRATION 92371
AIR NEW SOURCE PERMITS ACCOUNT NUMBER OCA002B
AIR NEW SOURCE PERMITS REGISTRATION 103697
AIR NEW SOURCE PERMITS REGISTRATION 124760
AIR NEW SOURCE PERMITS REGISTRATION 141389
AIR NEW SOURCE PERMITS REGISTRATION 141143
AIR NEW SOURCE PERMITS REGISTRATION 154225
AIR NEW SOURCE PERMITS REGISTRATION 150873
AIR NEW SOURCE PERMITS REGISTRATION 153972
AIR NEW SOURCE PERMITS REGISTRATION 162969
AIR NEW SOURCE PERMITS REGISTRATION 167878
AIR NEW SOURCE PERMITS REGISTRATION 162968
AIR NEW SOURCE PERMITS REGISTRATION 167931
AIR NEW SOURCE PERMITS REGISTRATION 164129
AIR NEW SOURCE PERMITS REGISTRATION 168640
AIR NEW SOURCE PERMITS REGISTRATION 162091
AIR NEW SOURCE PERMITS REGISTRATION 164370
AIR NEW SOURCE PERMITS REGISTRATION 163428

AIR OPERATING PERMITS PERMIT 1898
AIR NEW SOURCE PERMITS AFS NUM 4836100244
AIR NEW SOURCE PERMITS REGISTRATION 76134
AIR NEW SOURCE PERMITS REGISTRATION 75994
AIR NEW SOURCE PERMITS PERMIT 1302
AIR NEW SOURCE PERMITS REGISTRATION 38853
AIR NEW SOURCE PERMITS REGISTRATION 52687
AIR NEW SOURCE PERMITS REGISTRATION 44499
AIR NEW SOURCE PERMITS REGISTRATION 53853
AIR NEW SOURCE PERMITS REGISTRATION 50464
AIR NEW SOURCE PERMITS REGISTRATION 51405
AIR NEW SOURCE PERMITS REGISTRATION 71720
AIR NEW SOURCE PERMITS PERMIT 1303
AIR NEW SOURCE PERMITS REGISTRATION 76879
AIR NEW SOURCE PERMITS REGISTRATION 79303
AIR NEW SOURCE PERMITS REGISTRATION 80152
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1085
AIR NEW SOURCE PERMITS REGISTRATION 81949
AIR NEW SOURCE PERMITS REGISTRATION 83014
AIR NEW SOURCE PERMITS REGISTRATION 83021
AIR NEW SOURCE PERMITS REGISTRATION 86674
AIR NEW SOURCE PERMITS REGISTRATION 92530
AIR NEW SOURCE PERMITS REGISTRATION 95871
AIR NEW SOURCE PERMITS REGISTRATION 107798
AIR NEW SOURCE PERMITS REGISTRATION 139597
AIR NEW SOURCE PERMITS REGISTRATION 124313
AIR NEW SOURCE PERMITS REGISTRATION 112078
AIR NEW SOURCE PERMITS REGISTRATION 153128
AIR NEW SOURCE PERMITS REGISTRATION 151885
AIR NEW SOURCE PERMITS REGISTRATION 164632
AIR NEW SOURCE PERMITS REGISTRATION 163427
AIR NEW SOURCE PERMITS REGISTRATION 166535
AIR NEW SOURCE PERMITS REGISTRATION 163369
AIR NEW SOURCE PERMITS REGISTRATION 162970
AIR NEW SOURCE PERMITS REGISTRATION 163738
AIR NEW SOURCE PERMITS REGISTRATION 163070
AIR NEW SOURCE PERMITS REGISTRATION 166252
AIR NEW SOURCE PERMITS REGISTRATION 163069
AIR NEW SOURCE PERMITS REGISTRATION 163739

AIR NEW SOURCE PERMITS REGISTRATION 164253
AIR NEW SOURCE PERMITS REGISTRATION 146688
AIR NEW SOURCE PERMITS REGISTRATION 148260
AIR NEW SOURCE PERMITS REGISTRATION 145051
AIR NEW SOURCE PERMITS REGISTRATION 141531
AIR NEW SOURCE PERMITS REGISTRATION 146127
AIR NEW SOURCE PERMITS REGISTRATION 160457
AIR NEW SOURCE PERMITS REGISTRATION 155787
AIR NEW SOURCE PERMITS REGISTRATION 162914
AIR NEW SOURCE PERMITS REGISTRATION 160284
AIR NEW SOURCE PERMITS REGISTRATION 159238
AIR NEW SOURCE PERMITS REGISTRATION 161508
AIR NEW SOURCE PERMITS REGISTRATION 156833
AIR NEW SOURCE PERMITS REGISTRATION 161140
AIR NEW SOURCE PERMITS REGISTRATION 156543
AIR NEW SOURCE PERMITS REGISTRATION 154265
AIR NEW SOURCE PERMITS REGISTRATION 154554
AIR NEW SOURCE PERMITS REGISTRATION 167613
AIR NEW SOURCE PERMITS REGISTRATION 170631

UNDERGROUND INJECTION CONTROL PERMIT WDW054
UNDERGROUND INJECTION CONTROL PERMIT WDW191
STORMWATER PERMIT TXR05ER35

POLLUTION PREVENTION PLANNING ID NUMBER
P06863
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000057752
TAX RELIEF ID NUMBER 16593
TAX RELIEF ID NUMBER 20182

AIR NEW SOURCE PERMITS REGISTRATION 165483
AIR NEW SOURCE PERMITS REGISTRATION 148133
AIR NEW SOURCE PERMITS REGISTRATION 147085
AIR NEW SOURCE PERMITS REGISTRATION 148872
AIR NEW SOURCE PERMITS REGISTRATION 148653
AIR NEW SOURCE PERMITS REGISTRATION 152425
AIR NEW SOURCE PERMITS REGISTRATION 154233
AIR NEW SOURCE PERMITS REGISTRATION 161456
AIR NEW SOURCE PERMITS REGISTRATION 160339
AIR NEW SOURCE PERMITS REGISTRATION 161316
AIR NEW SOURCE PERMITS REGISTRATION 160653
AIR NEW SOURCE PERMITS REGISTRATION 160903
AIR NEW SOURCE PERMITS REGISTRATION 158872
AIR NEW SOURCE PERMITS REGISTRATION 159373
AIR NEW SOURCE PERMITS REGISTRATION 159868
AIR NEW SOURCE PERMITS REGISTRATION 156085
AIR NEW SOURCE PERMITS REGISTRATION 156059
AIR NEW SOURCE PERMITS REGISTRATION 168641
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 87432
UNDERGROUND INJECTION CONTROL PERMIT WDW055
UNDERGROUND INJECTION CONTROL PERMIT WDW282
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
OCA002B
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50395
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 87432
TAX RELIEF ID NUMBER 18942

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: December 20, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 20, 2017 to December 20, 2022

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

Name: Johnnie Wu

Phone: (512) 239-2524

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 03/05/2020 ADMINORDER 2018-1504-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 20 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 1,268 pounds of ammonia ("NH3") as B258 Fugitives, Emissions Point Number ("EPN") PE-51, during an emissions event (Incident No. 281336) that began on March 29, 2018 and lasted nine hours and 45 minutes. The emissions event occurred when the steam automatic control valve was placed into automatic prior to the column base temperature reaching 205 degrees Celsius that caused a sudden increase in pressure in the column.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 20 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 161.25 pounds of NH3 from the No. 1 Vent Stack, EPN PE-20, and 159.23 pounds of NH3 from Stack No. 4 EPN 11BLR-004, during an emissions event (Incident No. 283643) that began on May 11, 2018 and lasted seven minutes. The emissions event occurred when the pressure control valve in the Anhydrous Storage Tank ("AST") was not placed into manual prior to the start of calibration. This caused the pressure in the AST to increase.

2 Effective Date: 08/04/2020 ADMINORDER 2019-0748-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS PERMIT
SPECIAL CONDITION 1 PERMIT
Special Term and Condition 20 OP

Description: Failure to maintain an emission rate below the allowable limits.

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: General Condition 9 PERMIT
GENERAL TERMS AND CONDITIONS OP
Special Term and Condition 20 OP
Special Terms and Conditions 2F OP

Description: Failure to notify the TCEQ Beaumont Regional Office of a Reportable Emissions Event within 24 hours of the discovery of the event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Term and Condition 20 OP

Description: Failure to maintain emissions below the Maximum Allowable Emissions Rate Table (MAERT) for #1 Vent Stack (Emission Point Number [EPN] PE-20).

3 Effective Date: 10/12/2020 ADMINORDER 2020-0402-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Term and Condition 27 OP

Description: Failure to prevent unauthorized emissions.

4 Effective Date: 12/21/2020 ADMINORDER 2020-0589-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT
Special Term and Condition 19 OP

Description: Failure to maintain emissions below the allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Term and Condition 27 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during Incident 329502.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 20, 2018	(1471065)
Item 2	March 19, 2018	(1474268)
Item 3	April 13, 2018	(1478763)
Item 4	April 19, 2018	(1481029)
Item 5	April 20, 2018	(1481842)
Item 6	May 10, 2018	(1480121)
Item 7	May 14, 2018	(1484279)
Item 8	May 15, 2018	(1484271)
Item 9	July 17, 2018	(1497345)
Item 10	July 25, 2018	(1504441)
Item 11	August 02, 2018	(1504753)
Item 12	August 07, 2018	(1485796)
Item 13	September 06, 2018	(1511683)
Item 14	October 01, 2018	(1517274)
Item 15	October 05, 2018	(1512561)
Item 16	October 26, 2018	(1523926)
Item 17	October 30, 2018	(1524602)
Item 18	November 02, 2018	(1517683)
Item 19	November 20, 2018	(1525428)
Item 20	December 03, 2018	(1531427)
Item 21	December 12, 2018	(1532495)
Item 22	January 11, 2019	(1538177)
Item 23	January 24, 2019	(1539437)
Item 24	February 25, 2019	(1549620)
Item 25	March 29, 2019	(1552233)
Item 26	April 08, 2019	(1554676)
Item 27	April 18, 2019	(1555995)
Item 28	May 08, 2019	(1557060)
Item 29	May 09, 2019	(1558416)
Item 30	May 24, 2019	(1548223)
Item 31	August 13, 2019	(1582197)
Item 32	August 27, 2019	(1591159)
Item 33	October 18, 2019	(1596544)
Item 34	November 22, 2019	(1611071)
Item 35	December 10, 2019	(1612818)
Item 36	January 24, 2020	(1612787)
Item 37	January 30, 2020	(1624784)
Item 38	January 31, 2020	(1618312)
Item 39	February 12, 2020	(1625563)
Item 40	February 18, 2020	(1630504)

Item 41	February 20, 2020	(1630293)
Item 42	April 03, 2020	(1639959)
Item 43	April 10, 2020	(1638434)
Item 44	April 28, 2020	(1645424)
Item 45	April 29, 2020	(1644424)
Item 46	April 30, 2020	(1645414)
Item 47	May 21, 2020	(1647029)
Item 48	May 22, 2020	(1633575)
Item 49	June 30, 2020	(1657507)
Item 50	July 07, 2020	(1657420)
Item 51	July 09, 2020	(1652665)
Item 52	July 31, 2020	(1656916)
Item 53	September 04, 2020	(1672620)
Item 54	September 13, 2020	(1658926)
Item 55	October 09, 2020	(1645111)
Item 56	October 21, 2020	(1676914)
Item 57	November 15, 2020	(1690153)
Item 58	November 16, 2020	(1690402)
Item 59	November 20, 2020	(1686023)
Item 60	November 23, 2020	(1677204)
Item 61	January 05, 2021	(1697662)
Item 62	January 15, 2021	(1690746)
Item 63	January 20, 2021	(1698412)
Item 64	January 22, 2021	(1692147)
Item 65	January 25, 2021	(1692152)
Item 66	February 25, 2021	(1698307)
Item 67	February 26, 2021	(1703322)
Item 68	March 26, 2021	(1704498)
Item 69	July 09, 2021	(1738882)
Item 70	July 20, 2021	(1745241)
Item 71	August 20, 2021	(1755732)
Item 72	September 10, 2021	(1760418)
Item 73	September 20, 2021	(1749640)
Item 74	September 22, 2021	(1750557)
Item 75	September 23, 2021	(1749631)
Item 76	October 04, 2021	(1761737)
Item 77	October 05, 2021	(1764346)
Item 78	October 06, 2021	(1761820)
Item 79	October 13, 2021	(1738722)
Item 80	November 30, 2021	(1774836)
Item 81	December 03, 2021	(1775297)
Item 82	March 22, 2022	(1802203)
Item 83	March 28, 2022	(1802975)
Item 84	March 31, 2022	(1802906)
Item 85	April 13, 2022	(1806184)
Item 86	July 01, 2022	(1809832)
Item 87	July 11, 2022	(1823435)
Item 88	August 26, 2022	(1840106)
Item 89	October 31, 2022	(1847627)
Item 90	November 10, 2022	(1853996)
Item 91	December 02, 2022	(1861294)
Item 92	December 15, 2022	(1866580)

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: 01/28/2022 (1774833)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1217(a)(5)(i)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 9B PERMIT
Special Term and Condition 1A OP
Special Term and Condition 1E OP
Special Terms and Conditions 19 OP

Description: Failure to maintain carbon monoxide (CO) emissions below 100 parts per million, volume (ppmv) for Boiler 5 (Emission Point Number [EPN] 11 BLR-003) and Boiler 7 (EPN 11 BLR_004).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
30 TAC Chapter 115, SubChapter B 115.122(a)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Term and Condition 1A OP

Description: Failure to maintain the minimum boiler combustion temperature to achieve the required 98 percent destruction and removal efficiency (DRE) for Boilers 5 and 7 (Emission Point Numbers [EPNs] 11 BLR-003 and 11 BLR-004).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Term and Condition 1A OP

Description: Failure to record a flare observation for each operation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 7 PERMIT
General Terms and Conditions OP
Special Condition 8(A) PERMIT
Special Condition 8(E) PERMIT
Special Terms and Conditions 19 OP

Description: Failure to maintain shift Audio, Visual, and Olfactory (AVO) inspection records for equipment in Ammonia (NH3) service.

Self Report? NO Classification: Moderate

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 WW 63.1063(c)(1)(i)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(d)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Term and Condition 1A OP

Description: Failure to conduct the once per year visual inspection on Methanol Tank (Emission Point Number [EPN] PJ-14I).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 11 PERMIT
Special Terms and Conditions 19 OP

Description: Failure to maintain Low-Pressure Absorber (LPA) analyzer uptime equal to or greater than 95 percent (%) on a rolling 12-month period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(5)(ii)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 9B PERMIT
Special Term and Condition 1A OP
Special Term and Condition 1E OP
Special Terms and Conditions 19 OP

Description: Failure to submit a complete Notice of Compliance Status (NOCS) for 40 Code of Federal Regulations (CFR) 63, Subpart EEE.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(7)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 3(B)(iii)(1) OP
Description: Failure to conduct quarterly visible emission observations on the Iron Ore Catalyst (Emission Point Number [EPN] PE-66).

2 Date: 05/20/2022 (1805345)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter E 113.3000
30 TAC Chapter 113, SubChapter E 113.3050
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT A 65.5(f)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT A 65.5(h)(2)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.120(b)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 4I PERMIT
Special Term and Condition 1A OP
Special Term and Condition 27 OP
Description: Failure to submit complete 40 Code of Federal Regulation (CFR) 65 semi-annual reports in a timely manner.

3 Date: 05/20/2022 (1811100)
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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 2B PERMIT
Special Term and Condition 1A OP
Special Term and Condition 27 OP
Description: Failure to maintain the heat input for the ADN North Boiler (Emission Point Number [EPN] PF-41).

4 Date: 07/15/2022 (1817389)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1217(a)(5)(i)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 4G PERMIT
Special Term and Condition 1A OP
Special Term and Condition 1E OP
Special Term and Condition 27 OP
Description: Failure to maintain carbon monoxide (CO) emissions below 100 part per million, volume (ppmv) for Adiponitrile (ADN) South and North Boilers (Emission Point Numbers [EPNs] PF-40 and PF-41).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(i)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Part 60, Subpart A 60.18(c)(3)(i)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 10A PERMIT
PSDTX1085, Special Condition 2A OP
PSDTX1085, Special Condition 4A PERMIT
Special Term and Condition 1A OP
Special Term and Condition 27 OP

Description: Failure to maintain the minimum heating value or hydrogen content for the

Adiponitrile (ADN) Operating Flare (Emission Point Number [EPN] PH3).
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)
General Terms and Conditions OP
PSDTX1085, Special Condition 16 OP
Special Term and Condition 27 OP

Description: Failure to maintain the maximum fill rate of MGN Storage South (Emission Point Number [EPN] FT344).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.114(b)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 21E PERMIT
PSDTX1085, Special Condition 4I PERMIT
Special Term and Condition 1A OP
Special Term and Condition 27 OP

Description: Failure to equip Open-Ended Lines (OELs) with an appropriately sized cap, blind flange, plug, or second valve.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Term and Condition 2F OP

Description: Failure to create a final record for emissions events within two weeks after the end of the event.

Self Report? NO Classification: Moderate

Citation: , Special Term and Condition 1A OP
30 TAC Chapter 115, SubChapter B 115.121(a)(2)
30 TAC Chapter 115, SubChapter B 115.122(a)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to maintain the minimum boiler combustion temperature to achieve the required 98 percent (%) destruction and removal efficiency (DRE) for Adiponitrile (ADN) South Boiler (Emission Point Number [EPN] PF-40).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(iv)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX1085, Special Condition 3E PERMIT
Special Term and Condition 1A OP
Special Term and Condition 27 OP

Description: Failure to maintain the stack test temperature for the Fume Abator (Emission Point Number [EPN] PA39) while vent gases were directed to it.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Term and Condition 26 OP

Description: Failure to conduct a quarterly visible emission observation for Zinc Chloride Vent Filter (Emission Point Number [EPN] DUSTCOLLZN).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSDTX1085, General Condition 7 OP
 PSDTX1085, Special Condition 25(A) PERMIT
 PSDTX1085, Special Condition 25(B)(3) PERMIT
 Special Term and Condition 27 OP
 Description: Failure to maintain shift Audio, Visual, and Olfactory (AVO) inspection records for equipment in Ammonia (NH3) service.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSDTX1085, General Condition 7 PERMIT
 PSDTX1085, Special Condition 21(E) PERMIT
 PSDTX1085, Special Condition 21(K) PERMIT
 Special Term and Condition 27 OP
 Description: Failure to maintain weekly audio, visual, and olfactory (AVO) inspection records for equipment in Volatile Organic Compounds (VOCs) service.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSDTX1085, Special Condition 21(K) PERMIT
 PSDTX1085, Special Condition 26(A) PERMIT
 PSDTX1087, General Condition 7 PERMIT
 Special Term and Condition 27 OP
 Description: Failure to maintain shift audio, visual, and olfactory (AVO) inspection records for equipment in Adiponitrile (ADN) service.

F. Environmental audits:

Notice of Intent Date: 06/06/2018 (1498130)

Disclosure Date: 12/14/2018

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition No. 1

Description: Failed to comply with the hourly ammonia emissions rates. Specifically, The MSS representation for the HMD No 1 Stack (EPN PE-20) was based on a process model that included an ammonia (MAERT) concentration in the stripping water of 2%. Sampling of actual operating conditions during MSS events indicates ammonia concentration can be as high as 4%. As such, the hourly emission rate in the MAERT could be exceeded.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Special Condition No. 1

PERMIT Special Condition No. 23

Description: Failed to accurately permit the number of hours of MSS emissions. Specifically, INVISTA discovered an error in the basis for number of hours of MSS emissions. The MSS permit allows 48 hours per year of (MAERT} and 23 MSS activities to the No 1 Stack (EPN PE-20} at the MSS emission rate (vs. normal emission rate. The basis for 48 hours was 12 maintenance events (1 per month) of 4-hour duration per event.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition No. 1

Description: Failed to properly record the duration of emission generating activities. MSS tracking records did not properly record duration of emission generating activities. INVISTA recorded the duration {MAERT) of Attachment C activities as the duration of the actions taken by operating personnel, rather than the duration emissions caused by those actions occurred. For example, if it took operating personnel 30 minutes to clear equipment to the vent system, the duration was recorded as 30 minutes, even i

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Condition No. 1

Description: Failed to accurately estimate "normal operating" and emissions. Specifically, maintenance emissions from several types of equipment (including filters and pumps) were previously authorized as routine (MAERT) emissions under the assumption the emissions from the maintenance activities were less than the "normal operating" emissions authorized in the MAERT from their respective emission points. However, it was discovered the calculated emissions did not include additional inert flow; therefore, th

Disclosure Date: 03/06/2019

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 1
PERMIT Special Conditions No. 10

Description: Failed to limit ammonia emissions to the rates outlined in the maximum allowable emissions rate table ("MAERT"). Specifically, the represented, modeled flow rate of inerts (primarily nitrogen) during routine activities routed to the No. 1 Vent Stack, and routine and MSS activities routed to the Low Pressure Absorber can be intermittently exceeded, causing a change in the ammonia equilibrium in the No. 1 Vent Stack and Low-Pressure Absorber, entraining more ammonia in the gas stream rather than

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to accurately represent concentrations for the powerhouse boilers. Specifically, Powerhouse Boilers (NSR Permit No. 1387) are a control device for the Vent Gas (HPDOG and LPDOG) from the HMD Unit. The boiler permit representation does not account for the Vent Gas speciation for some activities from the HMD process unit (NSR Permit No. 1303) that intermittently cause higher concentrations than what was included in the October 30, 2006 representation.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to accurately estimate Low-Pressure Absorber emissions in order to determine compliance with the MAERT limits. Specifically, INVISTA identified a calculation error in the DCS automatic hourly emission calculation causing emissions to be underestimated in the DSC calculation preventing an accurate compliance determination with the MAERT limits.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to accurately calculate the LPA vent stack emissions during times of fresh water make up flow being reduced below the minimum stack design, preventing accurate evaluation of compliance with MAERT limits.

Notice of Intent Date: 06/18/2018 (1499762)
Disclosure Date: 09/28/2018

Viol. Classification: Moderate
Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT D 261.31
40 CFR Chapter 261, SubChapter I, PT 261, SubPT D 261.33(e)
30 TAC Chapter 335, SubChapter C 335.69

Description: Failed to label three of the satellite accumulation containers in the Building 5 Quality Lab with the words "hazardous waste" or posted with satellite accumulation area signs consistent with signage with signage at other satellite accumulations areas throughout the site.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failed to ensure that two containers of hazardous waste stored in the Building 5 Quality Lab <90-day accumulation areas were closed. Specifically, the lid and drum ring were not attached to one 55-gallon container of P-12 hazardous waste and the lid of the funnel on the X-17 (acid) hazardous waste drum was not seated on the funnel or latched closed.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter C 335.69

Description: Failed to properly characterize waste and properly store hazardous waste in storage units that meet certain minimum requirements. Specifically, two partially full aerosol cans (WD-40 and Brake Cleaner) were observed in the scrap metal bins in front of the ADN Maintenance Shop.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)

Description: Failed to maintain secondary containment external liner systems free of cracks or gaps. Specifically, Surface cracks and pitting were observed in the secondary containment coatings associated with <90-day hazardous waste tanks located in the UIC wastewater treatment area (i.e., NOR- 254: Filter Sump Tank; NOR 262: Primary Decanter; NOR-255: NAZ Tank; NOR-254: Haz Waste Tank; NOR 257 and 258: pH Tanks; NOR-256: Filtered Waste Tank; and NOR-224: APT Feed Tank). None of the defects resulted in com

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

Description: Failed to ensure that the south MGN <90 day hazardous waste storage tank (NOR-252) located in the ADN process area free of corrosion and with white or aluminum paint. Specifically, the tank was observed to have significant peeling paint and exposed primer from top to bottom on one side of the tank. Review of the tank certification records indicated that a similar condition was observed by the internal MI inspector when the tank was inspected and certified in 2016.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failed to update the Notice of Registration (NOR) with any changes or additional information within 90 days of the occurrence of such change or of becoming aware of such additional information..

Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)

Description: Failed to mark hazardous waste drums with the start date of accumulation and store them in a designated waste storage area. Specifically, two full 55-gallon containers labeled as hazardous waste (P145) were observed in the vicinity of out-of-service 3045 Pipeline Mix Tank (NOR-112) where construction activities were in progress.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64(a)
Rqmt Prov: PERMIT Provision VIII.F.

Description: Failed to test injection fluids in accordance with the approved waste analysis plan.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.196

Description: Failed to promptly cleanup spills or releases to the tank secondary containment systems. Hazardous waste solid residues were observed to be present in the secondary containment associated with the WFE Blend Tank (NOR-113). The residues were accumulated near the secondary containment drain valve and the drain valve was open to drain stormwater from the recent storm event.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)

Description: Failed to adequately document conditions of concern in the daily inspection records.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.13(d)(1)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.14(e)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)

Description: Failed to properly store universal waste.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22
30 TAC Chapter 324, SubChapter A 324.6

Description: Failed to label one drum of used oil at building 258 drum storage area and one drum of used oil located at Bldg 3045 storage area with the words "used oil."

Viol. Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Part III.A.2.

Description: Failed to update the SWPPP to reflect current members of the Storm Water Pollution Control Committee.

Notice of Intent Date: 04/27/2021 (1724150)
No DOV Associated

Notice of Intent Date: 06/04/2021 (1735032)
Disclosure Date: 10/29/2021
Viol. Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to document training for the environmental contractor that did the SWPPP Main Plant.

Notice of Intent Date: 11/05/2021 (1772184)
Disclosure Date: 04/18/2022
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 8.D

Description: Failed to record that the immediate corrective actions were taken within one hour in the ammonia AVO electronic leak log. Specifically, the field is not mandatory and two examples of missing information occurred on 6/28/21 and 7/7/21 at the head of the Aqua Column in HMD Synthesis Building 258.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 13

Description: Failed to record the valve loading indication in the DCS for the freshwater makeup flow to the Tank Absorber (PE-39) in the data historian going back five years.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 10

PERMIT SC 15

PERMIT SC 18

Description: Failed to document the annual revalidation of estimated emissions for MSS activities listed in Attachment A.

Viol. Classification: Minor

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

Description: Failed to report Title V deviations for Item Nos. 1-3 in previous semiannual deviation reports and annual compliance certifications.

Notice of Intent Date: 07/08/2022 (1826471)

No DOV Associated

Notice of Intent Date: 10/27/2022 (1854000)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INV NYLON CHEMICALS AMERICAS,
LLC
RN104392626

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0126-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 Nylon Chemicals Americas, 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 owns and operates an industrial organic chemical manufacturing plant located at 3055A Farm-to-Market Road 1006 in Orange, Orange 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 \$94,952 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$94,952 of the penalty.
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 August 31, 2020, implemented a maximum allowable emissions rate ("MAER") tracking tool that demonstrated compliance with the carbon monoxide ("CO") and ammonia ("NH3") annual MAERs for the Start-Up Flare, Emissions Point Number ("EPN") PH2;
 - b. On October 1, 2021, implemented a new electronic-based task management system in order to ensure that the quarterly visible emissions observations conducted for the Dust Collector, Fire Pump Engine 1, and Fire Pump Engine 2 are recorded;
 - c. By February 10, 2022, replaced and re-insulated the tubing, reviewed the other areas where insulation was removed after Winter Storm Uri to ensure that the insulation had been replaced, and revised the Hexamethylenediamine Area procedures to state that the requirement for insulation of all lines in hexamethylenediamine service in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 368140;
 - d. On March 6, 2022, replaced a blown fuse, checked additional fuses, checked all connections in the boiler circuit, and checked all Distributed Control System cards in the Programmable Control Unit cabinet in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 375578;
 - e. By April 20, 2022, began maintaining the calibration records for the Nickel Dumping Station Filter;
 - f. On May 2, 2022, submitted a revised deviation report for the October 1, 2021 through March 31, 2022 reporting period that included the deviation for failing to comply with the nitrogen oxides ("NOx") heat input;
 - g. On July 1, 2022, provided the records requested for the 35 non-reportable emissions events; and
 - h. By March 31, 2023, implemented an improvement to the Enablon database in order to ensure that all of the required information are identified on the final records for the non-reportable emissions events.

II. ALLEGATIONS

1. During a record review for the Plant conducted on December 20, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation

of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 1303, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1898, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,971.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 368140) that occurred on October 11, 2021 and lasted two hours and 15 minutes. The emissions event occurred when the insulation on the impulse line was removed but not replaced that caused the hexamethylenediamine to freeze and to develop a plug in the impulse line, resulting in the rupture of the impulse line and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. During an investigation at the Plant conducted from May 16, 2022 through May 18, 2022, an investigator documented that the Respondent:
 - a. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 1302 and PSDTX1085, SC No. 1, FOP No. O1897, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO MAER of 18.62 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending on March 2020, April 2020, and July 2020 and the NH₃ MAER of 4.88 tpy based on a 12-month rolling period for the 12-month periods ending on July 2020 for the Start-Up Flare, EPN PH2, resulting in 1.16 tons of unauthorized CO emissions and 0.17 ton of unauthorized NH₃ emissions.
 - b. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1897, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 1, 2020 through March 31, 2021 reporting period did not include the deviations for failing to comply with the NO_x heat input, failing to operate the Continuous Monitoring System ("CMS") with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 Code of Federal Regulations ("CFR") Part 65 semiannual report, failing to submit an initial notification for Incident No. 347189, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, and failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent. Also, the deviation report for the April 1, 2021 through September 30, 2021 reporting period did not include the deviations for failing to comply with the NO_x heat input, failing to operate the CMS with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CFR Part 65 semiannual report, failing to record the visible emissions observations for the Dust Collector, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent, and failing to create a final record for an emissions event that began on July 15, 2021.
 - c. Failed to make the records for the non-reportable emissions events readily available upon request, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b) and 122.143(4), FOP No. O1897, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE

§ 382.085(b). Specifically, the final records for 35 non-reportable emissions events were requested to be provided by June 20, 2022 and the Respondent provided the final records for 28 non-reportable emissions events on June 20, 2022, but the final records for seven non-reportable emissions were not provided until July 1, 2022.

- d. Failed to record the quarterly visible emissions observations for the Dust Collector, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1897, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not record the visible emissions observation conducted for the Dust Collector during the second quarter of 2021.
- e. Failed to record the quarterly visible emissions observations for Fire Pump Engine 1, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1897, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not record the visible emissions observations conducted for Fire Pump Engine 1 during the first and second quarters of 2021.
- f. Failed to record the quarterly visible emissions observations for Fire Pump Engine 2, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1897, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not record the visible emissions observations conducted for Fire Pump Engine 2 during the first and second quarters of 2021.
- g. Failed to maintain the calibration records for the Nickel Dumping Station Filter, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 1302 and PSDTX1085, General Conditions ("GC") No. 7 and SC No. 12.D, FOP No. O1897 GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the calibration records for the Nickel Dumping Station Filter.
- h. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application, in violation of 30 TEX. ADMIN. CODE §§ 116.116(a)(1) and 122.143(4), FOP No. O1897, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not represent any maintenance, startup, and shutdown activities and the associated emissions in the application for NSR Permit Nos. 1302 and PSDTX1085, but the Respondent conducted planned maintenance on the conservation vents/emergency vents for several fixed roof tanks prior to obtaining the proper authorization.
- i. Failed to identify all required information on the final record for a non-reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(2)(E), (F), and (I) and 122.143(4), FOP No. O1897, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not accurately identify the date and time of the discovery of the emissions event, the estimated duration of the emissions, and the basis used for determining the quantity of air contaminants emitted on the final records for the non-reportable emissions events that were reported as deviations in the deviation reports for the October 1, 2020 through March 31, 2021 and April 1, 2021 through September 30, 2021 reporting periods as defined in the attached Non-Reportable Emissions Events table ("Attachment A").

3. During a record review for the Plant conducted on May 20, 2022, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1303, SC No. 1, FOP No. O1898, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 179.56 lbs of NH₃ from the No. 1 Vent Stack, EPN PE-20, released 0.57 lb of VOC from B233 Fugitives, EPN PE-55, and released 1.15 lbs of NH₃ and 0.26 lb of VOC from B261 Fugitives, EPN PE-52, during an emissions event (Incident No. 375578) that occurred on March 5, 2022 and lasted two hours and 37 minutes. The emissions event occurred when the power to the Boiler 5 Forced Draft Fan Turbine Speed Transmitter Circuit was disrupted, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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. 2022-0126-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 undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Submit a revised deviation report for the October 1, 2020 through March 31, 2021 reporting period to report the deviations for failing to operate the CMS with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CFR Part 65 semiannual report, failing to submit an initial notification for Incident No. 347189, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, and failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent;

- ii. Submit a revised deviation report for the April 1, 2021 through September 30, 2021 reporting period to report the deviations for failing to operate the CMS with a downtime less than or equal to five percent due to Winter Storm Uri, failing to submit a complete 40 CFR Part 65 semiannual report, failing to record the visible emissions observations for the Dust Collector, failing to record the visible emissions observations for Fire Pump Engines 1 and 2, failing to operate the VOC Absorber CMS with a downtime less than or equal to five percent, and failing to create a final record for an emissions event that began on July 15, 2021;
- iii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner;
- iv. Submit an administratively complete registration for a Permits by Rule ("PBR"), in accordance with 30 TEX. ADMIN. CODE ch. 106, or application to amend NSR Permit Nos. 1302 and PSDTX1085, in accordance with 30 TEX. ADMIN. CODE § 116.111, to authorize the planned maintenance conducted on the conservation vents/emergency vents for the fixed roof tanks to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the registration for a PBR or amendment application for NSR Permit Nos. 1302 and PSDTX1085 by any deadline specified in writing.
- c. Within 45 days after the effective date of this Order, submit written certification, to demonstrate compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.d.
- d. Within 180 days after the effective date of this Order, submit written certification that either the authorization for the planned maintenance conducted on the conservation vents/emergency vents for the fixed roof tanks has been obtained or operations have ceased until such time that appropriate authorization is obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

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 Plant operations referenced in this Order.
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. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized

by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

8/21/2023

Date

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

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

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

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



Signature

8/26/2023

Date

Chance Fenetz

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

Production 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

**INV Nylon Chemicals Americas, LLC
Case No. 61837; Docket No. 2022-0126-AIR-E**

Non-Reportable Emissions Events		
Deviation Reporting Period	Non-Reportable Emissions Event No.	Issues with Final Record
October 1, 2020 through March 31, 2021	3	Missing start times
	5	Missing start times
	6	Missing basis used for determining the quantity of air contaminants emitted
	7 and 8	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	9	Missing basis used for determining the quantity of air contaminants emitted
	10	Missing basis used for determining the quantity of air contaminants emitted
	11	Missing estimated duration of the emissions
	12	Missing start date and estimated duration of the emissions
	14	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	15	Missing basis used for determining the quantity of air contaminants emitted
April 1, 2021 through September 30, 2021	1	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	2	Missing basis used for determining the quantity of air contaminants emitted
	3	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	6	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	7	Missing basis used for determining the quantity of air contaminants emitted
	8	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted
	9	Missing basis used for determining the quantity of air contaminants emitted
	14	Missing basis used for determining the quantity of air contaminants emitted
	15	Missing estimated duration of the emissions, and basis used for determining the quantity of air contaminants emitted