

Executive Summary – Enforcement Matter – Case No. 62790
INV Nylon Chemicals Americas, LLC
RN104392626
Docket No. 2022-1361-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

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:

Chemical manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-1134-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 11, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$76,612

Amount Deferred for Expedited Settlement: \$15,322

Total Paid to General Revenue: \$30,645

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$30,645

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 16, 2022

Date(s) of NOE(s): August 5, 2022

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INV Nylon Chemicals Americas, LLC
RN104392626
Docket No. 2022-1361-IHW-E

Violation Information

1. Failed to transfer hazardous waste from a container that is not in good condition to a container that is in good condition. Specifically, one warped drum containing hazardous waste (1510310H) located in waste management unit ("WMU") 53 and one warped 55-gallon hazardous waste drum in WMU 223 were observed [30 TEX. ADMIN. CODE § 335.112(a)(8) and 40 CODE OF FEDERAL REGULATIONS ("C.F.R.") § 265.171].
2. Failed to keep a container holding hazardous waste closed except when adding or removing waste. Specifically, one unlabeled hazardous waste container in the Promoter Unit with the lid unsecured and one open hazardous waste drum due to a metal funnel modification to the lid in WMU 241 were observed [30 TEX. ADMIN. CODE § 335.112(a)(8) and 40 C.F.R. § 265.173].
3. Failed to label all hazardous waste containers with the words "Hazardous Waste" and an indication of the hazards of the contents. Specifically, the following were observed: seven 55-gallon hazardous waste drums in the Promoter Unit and a tanker trailer with hazardous waste in WMU 73 were not labeled; 22 hazardous waste containers in WMU 223 and one 55-gallon hazardous waste drum in WMU 241 did not have an indication of the hazards of the contents; and one 55-gallon drum in WMU 223 was mislabeled as B-3030 wash material [30 TEX. ADMIN. CODE § 335.53(f) and 40 C.F.R. § 262.17(a)(5)(i)].
4. Failed to label all hazardous waste containers in satellite accumulation areas ("SAAs") with the words "Hazardous Waste". Specifically, one 55-gallon drum in SAA 5 and approximately 35 chemical containers on a shelf in SAA 28 were observed without labels [30 TEX. ADMIN. CODE § 335.53(d) and 40 C.F.R. § 262.15(a)(5)].
5. Failed to comply with the 90-day accumulation time limit. Specifically, two 55-gallon hazardous waste drums located in WMU 223 had accumulation dates exceeding the 90-day waste accumulation limitation by 43 days [30 TEX. ADMIN. CODE § 335.53(f) and 40 C.F.R. § 262.17(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Properly closed containers holding hazardous waste on September 6, 2022; and
- b. Properly labeled hazardous waste containers in WMUs and in SAAs with the words "Hazardous Waste" and an indication of the hazards of the contents on September 6, 2022.

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Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Transfer the hazardous waste from the warped containers into containers that are in good condition;
 - ii. Develop and implement procedures to ensure that hazardous wastes stored at the Facility do not exceed the 90-day accumulation time limit; and
 - iii. Remove the two 55-gallon hazardous waste drums from the Facility and dispose of them at an authorized facility.
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Eresha DeSilva, Enforcement Division, Enforcement Team 3, MC R-12, (512) 239-5084; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Southeast Texas Regional Planning Commission, 2210 Eastex Freeway, Beaumont, Texas 77703

Respondent: Nancy Kowalski, President, INV Nylon Chemicals Americas, LLC, 4123 East 37th Street North, Wichita, Kansas 67220

Chance Fenetz, Plant Manager, INV Nylon Chemicals Americas, LLC, 4123 East 37th Street North, Wichita, Kansas 67220

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Aug-2022	Screening	18-Aug-2022	EPA Due	
	PCW	9-Dec-2024				

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.	62790	No. of Violations	4
Docket No.	2022-1361-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Eresha DeSilva
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$41,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	93.0%	Adjustment	Subtotals 2, 3, & 7	\$38,362
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Notes: Enhancement for five agreed orders with a denial of liability and two NOV's with dissimilar violations. Reduction for five notices of intent to conduct an audit and three 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	-\$3,000
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$347
Estimated Cost of Compliance \$2,830

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$76,612
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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	\$76,612
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$76,612
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DEFERRAL	20.0%	Reduction	Adjustment	-\$15,322
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$61,290
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Screening Date 18-Aug-2022

Docket No. 2022-1361-IHW-E

PCW

Respondent INV Nylon Chemicals Americas, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62790

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104392626

Media Industrial and Hazardous Waste

Enf. Coordinator Eresha DeSilva

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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>)	5	-5%
	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>)	3	-6%
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) 93%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five agreed orders with a denial of liability and two NOVs with dissimilar violations. Reduction for five notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 93%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 93%

Screening Date 18-Aug-2022

Docket No. 2022-1361-IHW-E

PCW

Respondent INV Nylon Chemicals Americas, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62790

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104392626

Media Industrial and Hazardous Waste

Enf. Coordinator Eresha DeSilva

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.112(a)(8) and 40 Code of Federal Regulations ("C.F.R.") § 265.171

Violation Description

Failed to transfer hazardous waste from a container that is not in good condition to a container that is in good condition. Specifically, one warped drum containing hazardous waste (1510310H) located in waste management unit ("WMU") 53 and one warped 55-gallon hazardous waste drum in WMU 223 were observed.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Harm Moderate	Minor
Release Actual			
Potential		X	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

63 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$7,500

Two single events are recommended (one for each container).

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$168

Violation Final Penalty Total \$14,475

This violation Final Assessed Penalty (adjusted for limits) \$14,475

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 62790
Reg. Ent. Reference No. RN104392626
Media Industrial and Hazardous Waste
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)	\$1,000	13-Sep-2021	24-Jan-2025	3.37	\$168	n/a	\$168

Notes for DELAYED costs

Estimated cost to transfer the hazardous waste from the warped containers into containers that are in good condition. The Date Required is the initial 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

\$1,000

TOTAL

\$168

Screening Date 18-Aug-2022 Respondent INV Nylon Chemicals Americas, LLC Case ID No. 62790 Reg. Ent. Reference No. RN104392626 Media Industrial and Hazardous Waste Enf. Coordinator Eresha DeSilva	Docket No. 2022-1361-IHW-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 335.112(a)(8) and 40 C.F.R. § 265.173
Violation Description		Failed to keep a container holding hazardous waste closed except when adding or removing waste. Specifically, one unlabeled hazardous waste container in the Promoter Unit with the lid unsecured and one open hazardous waste drum due to a metal funnel modification to the lid in WMU 241 were observed.

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

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$17,500
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	\$7,500
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Violation Events

Number of Violation Events	2	63	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	X				Violation Base Penalty \$15,000

Two single events are recommended (one for each container).

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		
Notes	The Respondent achieved compliance on September 6, 2022, after the August 5, 2022 Notice of Enforcement ("NOE").	

Violation Subtotal	\$13,500
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$2
Violation Final Penalty Total	\$27,450
This violation Final Assessed Penalty (adjusted for limits) \$27,450	

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 62790
Reg. Ent. Reference No. RN104392626
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	13-Sep-2021	6-Sep-2022	0.98	\$2	n/a	\$2

Notes for DELAYED costs

Estimated delayed cost to properly close all containers holding hazardous waste (\$50; \$25 per container for two containers). The Date Required is the initial investigation date and the Final Date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date	18-Aug-2022	Docket No.	2022-1361-IHW-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC			
Case ID No.	62790	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN104392626	<i>PCW Revision February 11, 2021</i>		
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Eresha DeSilva			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 335.53(d) and (f) and 40 C.F.R. §§ 262.15(a)(5) and 262.17(a)(5)(i)			
Violation Description	<p>Failed to label all hazardous waste containers with the words "Hazardous Waste" and an indication of the hazards of the contents. Specifically, the following were observed: seven 55-gallon hazardous waste drums in the Promoter Unit and a tanker trailer with hazardous waste in WMU 73 were not labeled; 22 hazardous waste containers in WMU 223 and one 55-gallon hazardous waste drum in WMU 241 did not have an indication of the hazards of the contents; and one 55-gallon drum in WMU 223 was mislabeled as B-3030 wash material. Also, failed to label all hazardous waste containers in satellite accumulation areas ("SAAs") with the words "Hazardous Waste". Specifically, one 55-gallon drum in SAA 5 and approximately 35 chemical containers on a shelf in SAA 28 were observed without labels.</p>			
Base Penalty			\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			
			Percent	0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		X		
			Percent	20.0%
Matrix Notes	More than 70% of the rule requirement was not met.			
Adjustment			\$20,000	
			\$5,000	
Violation Events				
Number of Violation Events		3	63	Number of violation days
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty			\$15,000	
Three monthly events are recommended from the June 16, 2022 investigation date to the August 18, 2022 screening date.				
Good Faith Efforts to Comply		10.0%		Reduction
				\$1,500
	Extraordinary	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Ordinary		X	
	N/A			
Notes	The Respondent achieved compliance on September 6, 2022, after the August 5, 2022 NOE.			
Violation Subtotal			\$13,500	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$33	Violation Final Penalty Total	\$27,450	
This violation Final Assessed Penalty (adjusted for limits)			\$27,450	

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 62790
Reg. Ent. Reference No. RN104392626
Media Industrial and Hazardous Waste
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				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)	\$680	13-Sep-2021	6-Sep-2022	0.98	\$33	n/a	\$33

Notes for DELAYED costs

Estimated delayed cost to properly label hazardous waste containers in WMUs and in SAAs with the words "Hazardous Waste" and an indication of the hazards of the contents (\$680; \$10 per container for approximately 68 containers). The Date Required is the initial 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

\$680

TOTAL

\$33

Screening Date	18-Aug-2022	Docket No.	2022-1361-IHW-E	PCW
Respondent	INV Nylon Chemicals Americas, LLC	Policy Revision 5 (January 28, 2021)		
Case ID No.	62790	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN104392626			
Media	Industrial and Hazardous Waste			
Enf. Coordinator	Eresha DeSilva			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 335.53(f) and 40 C.F.R. § 262.17(a)			
Violation Description	Failed to comply with the 90-day accumulation time limit. Specifically, two 55-gallon hazardous waste drums located in WMU 223 had accumulation dates exceeding the 90-day waste accumulation limitation by 43 days.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events	1	63	Number of violation days
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daily		
weekly		
monthly		
quarterly	X	
semiannual		
annual		
single event		

Violation Base Penalty \$3,750

One quarterly event is recommended from the June 16, 2022 investigation date to the August 18, 2022 screening date.

Good Faith Efforts to Comply

	0.0%	
		Reduction \$0
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Estimated EB Amount	\$144	Statutory Limit Test
		Violation Final Penalty Total \$7,238
		This violation Final Assessed Penalty (adjusted for limits) \$7,238

Economic Benefit Worksheet

Respondent INV Nylon Chemicals Americas, LLC
Case ID No. 62790
Reg. Ent. Reference No. RN104392626
Media Industrial and Hazardous Waste
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	\$100	16-Jun-2022	24-Jan-2025	2.61	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Jun-2022	24-Jan-2025	2.61	\$131	n/a	\$131

Notes for DELAYED costs

Estimated delayed costs to remove the two 55-gallon hazardous waste drums from the Facility and dispose of them at an authorized facility (\$1,000; \$500 per drum for two drums) and to develop and implement procedures to ensure hazardous wastes stored at the Facility do not exceed the 90-day accumulation time limit (\$100). The Dates Required are the investigation date and the Final Dates are 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

\$1,100

TOTAL

\$144



Compliance History Report

Compliance History Report for CN605811850, RN104392626, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN605811850, INV Nylon Chemicals Americas, LLC	Classification: SATISFACTORY	Rating: 2.98
Regulated Entity:	RN104392626, INV Nylon Chemicals Americas Orange Site	Classification: SATISFACTORY	Rating: 4.70
Complexity Points:	38	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	3055A Farm-to-Market Road 1006, Orange, Orange County, Texas 77630-8045		
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 PERMIT 1302

AIR NEW SOURCE PERMITS REGISTRATION 52687

AIR NEW SOURCE PERMITS REGISTRATION 53853

AIR NEW SOURCE PERMITS REGISTRATION 50464

AIR NEW SOURCE PERMITS REGISTRATION 51405

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 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 NEW SOURCE PERMITS REGISTRATION 164253

AIR NEW SOURCE PERMITS REGISTRATION 146688

AIR NEW SOURCE PERMITS REGISTRATION 148260

AIR NEW SOURCE PERMITS REGISTRATION 145051

AIR OPERATING PERMITS PERMIT 1898

AIR NEW SOURCE PERMITS AFS NUM 4836100244

AIR NEW SOURCE PERMITS REGISTRATION 76134

AIR NEW SOURCE PERMITS REGISTRATION 144029

AIR NEW SOURCE PERMITS REGISTRATION 33081

AIR NEW SOURCE PERMITS REGISTRATION 43816

AIR NEW SOURCE PERMITS REGISTRATION 56241

AIR NEW SOURCE PERMITS REGISTRATION 51530

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 82408

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 165483

AIR NEW SOURCE PERMITS REGISTRATION 148133

AIR NEW SOURCE PERMITS REGISTRATION 147085

AIR NEW SOURCE PERMITS REGISTRATION 148872

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 171440
AIR NEW SOURCE PERMITS REGISTRATION 173547
AIR NEW SOURCE PERMITS REGISTRATION 176052
AIR NEW SOURCE PERMITS REGISTRATION 172816
AIR NEW SOURCE PERMITS REGISTRATION 167613
AIR NEW SOURCE PERMITS REGISTRATION 175655
AIR NEW SOURCE PERMITS PERMIT 176181
AIR NEW SOURCE PERMITS REGISTRATION 175154
AIR NEW SOURCE PERMITS REGISTRATION 173743
AIR NEW SOURCE PERMITS REGISTRATION 174591
AIR NEW SOURCE PERMITS REGISTRATION 173224
AIR NEW SOURCE PERMITS REGISTRATION 172103
IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 87432
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

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 174150
AIR NEW SOURCE PERMITS REGISTRATION 172407
AIR NEW SOURCE PERMITS REGISTRATION 171871
AIR NEW SOURCE PERMITS REGISTRATION 174238
AIR NEW SOURCE PERMITS REGISTRATION 168641
AIR NEW SOURCE PERMITS REGISTRATION 174384
AIR NEW SOURCE PERMITS PERMIT 176183
AIR NEW SOURCE PERMITS REGISTRATION 170631
AIR NEW SOURCE PERMITS REGISTRATION 174561
AIR NEW SOURCE PERMITS REGISTRATION 174463
AIR NEW SOURCE PERMITS REGISTRATION 172543
AIR NEW SOURCE PERMITS REGISTRATION 176179
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

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

Date Compliance History Report Prepared: August 27, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 27, 2019 to August 27, 2024

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

Name: Eresha DeSilva

Phone: (512) 239-5084

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

Compliance History Report for CN605811850, RN104392626, Rating Year 2023 which includes Compliance History (CH) components from August 27, 2019, through August 27, 2024.

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 colu

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

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.

Compliance History Report for CN605811850, RN104392626, Rating Year 2023 which includes Compliance History (CH) components from August 27, 2019, through August 27, 2024.

- 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.
- 5 Effective Date: 10/16/2023 ADMINORDER 2022-0126-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: 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 1,971.00 lbs of 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
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: 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
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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
PSDTX1085, Special Condition 1 PERMIT
Special Term and Condition 27 OP
Description: 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
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)

Rqmt Prov General Terms and Conditions OP

Description: 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 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,

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)

Rqmt Prov General Terms and Conditions OP

Special Term and Condition 2F OP

Description: 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

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 FOP No. O1897 OP

General Terms and Conditions OP

Description: 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.

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 FOP No. O1897 OP

General Terms and Conditions OP

Description: 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.

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 FOP No. O1897 OP

General Terms and Conditions OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)

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

PSDTX1085, General Condition 7 PERMIT

PSDTX1085, Special Condition 12(D) PERMIT

Special Term and Condition 27 OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov FOP No. O1897 OP

Description: 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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)(E)
30 TAC Chapter 101, SubChapter F 101.201(b)(2)(F)
30 TAC Chapter 101, SubChapter F 101.201(b)(2)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov General Terms and Conditions OP

Special Term and Condition 2F OP

Description: 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

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 18, 2019	(1596544)
Item 2	November 22, 2019	(1611071)
Item 3	December 10, 2019	(1612818)
Item 4	January 24, 2020	(1612787)
Item 5	January 30, 2020	(1624784)
Item 6	January 31, 2020	(1618312)
Item 7	February 12, 2020	(1625563)
Item 8	February 18, 2020	(1630504)
Item 9	February 20, 2020	(1630293)
Item 10	April 03, 2020	(1639959)
Item 11	April 10, 2020	(1638434)
Item 12	April 28, 2020	(1645424)
Item 13	April 29, 2020	(1644424)
Item 14	April 30, 2020	(1645414)
Item 15	May 21, 2020	(1647029)
Item 16	May 22, 2020	(1633575)
Item 17	June 30, 2020	(1657507)
Item 18	July 07, 2020	(1657420)
Item 19	July 09, 2020	(1652665)
Item 20	July 31, 2020	(1656916)
Item 21	September 04, 2020	(1672620)
Item 22	September 13, 2020	(1658926)
Item 23	October 09, 2020	(1645111)
Item 24	October 21, 2020	(1676914)
Item 25	November 15, 2020	(1690153)
Item 26	November 16, 2020	(1690402)
Item 27	November 20, 2020	(1686023)
Item 28	November 23, 2020	(1677204)
Item 29	January 05, 2021	(1697662)

Compliance History Report for CN605811850, RN104392626, Rating Year 2023 which includes Compliance History (CH) components from August 27, 2019, through August 27, 2024.

Item 30	January 15, 2021	(1690746)
Item 31	January 20, 2021	(1698412)
Item 32	January 22, 2021	(1692147)
Item 33	January 25, 2021	(1692152)
Item 34	February 25, 2021	(1698307)
Item 35	February 26, 2021	(1703322)
Item 36	March 26, 2021	(1704498)
Item 37	July 09, 2021	(1738882)
Item 38	July 20, 2021	(1745241)
Item 39	August 20, 2021	(1755732)
Item 40	September 10, 2021	(1760418)
Item 41	September 20, 2021	(1749640)
Item 42	September 22, 2021	(1750557)
Item 43	September 23, 2021	(1749631)
Item 44	October 04, 2021	(1761737)
Item 45	October 05, 2021	(1764346)
Item 46	October 06, 2021	(1761820)
Item 47	October 13, 2021	(1738722)
Item 48	November 30, 2021	(1774836)
Item 49	December 03, 2021	(1775297)
Item 50	March 22, 2022	(1802203)
Item 51	March 28, 2022	(1802975)
Item 52	March 31, 2022	(1802906)
Item 53	April 13, 2022	(1806184)
Item 54	July 01, 2022	(1809832)
Item 55	July 11, 2022	(1823435)
Item 56	August 26, 2022	(1840106)
Item 57	October 31, 2022	(1847627)
Item 58	November 10, 2022	(1853996)
Item 59	December 02, 2022	(1861294)
Item 60	December 15, 2022	(1866580)
Item 61	January 20, 2023	(1868681)
Item 62	February 16, 2023	(1879071)
Item 63	March 05, 2023	(1881242)
Item 64	March 10, 2023	(1881671)
Item 65	May 23, 2023	(1902578)
Item 66	May 31, 2023	(1902955)
Item 67	July 06, 2023	(1852711)
Item 68	September 01, 2023	(1924121)
Item 69	October 20, 2023	(1931612)
Item 70	November 30, 2023	(1931470)
Item 71	December 08, 2023	(1944881)
Item 72	December 19, 2023	(1943496)
Item 73	January 10, 2024	(1943537)
Item 74	February 01, 2024	(1879763)
Item 75	February 15, 2024	(1960865)
Item 76	February 23, 2024	(1965181)
Item 77	February 29, 2024	(1931830)
Item 78	March 08, 2024	(1949819)
Item 79	April 01, 2024	(1967945)
Item 80	April 03, 2024	(1972408)
Item 81	April 11, 2024	(1974890)
Item 82	May 28, 2024	(1987855)
Item 83	June 25, 2024	(1989961)
Item 84	August 09, 2024	(2002124)

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

Compliance History Report for CN605811850, RN104392626, Rating Year 2023 which includes Compliance History (CH) components from August 27, 2019, through August 27, 2024.

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: 06/14/2024 (1975736)	
	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 61, SubChapter C, PT 61, SubPT FF 61.354(c)(5) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 5 PERMIT Special Term and Condition 19 OP	
	Description: Failure to maintain the minimum combustion chamber temperature in the Power Boilers during the combustion of waste liquid and/or gas.	
	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 61, SubChapter C, PT 61, SubPT FF 61.354(c)(5) 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 13B PERMIT Special Condition 6 PERMIT Special Term and Condition 19 OP Special Term and Condition 1A OP Special Term and Condition 1E OP	
	Description: Failure to maintain carbon monoxide (CO) emissions below 100 parts per million, volume (ppmv) for Power Boiler 5 (Emission Point Number [EPN] 11 BLR-003).	
	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 Special Term and Condition 19 OP Special Term and Condition 27B OP	
	Description: Failure to maintain records.	
	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: 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 deviations.	
2	Date: 06/14/2024 (1975735)	
	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 Special Condition 4G PERMIT Special Condition 5 PERMIT Special Term and Condition 1A OP Special Term and Condition 1E OP Special Term and Condition 30 OP	

Compliance History Report for CN605811850, RN104392626, Rating Year 2023 which includes Compliance History (CH) components from August 27, 2019, through August 27, 2024.

Description:	Failure to maintain carbon monoxide (CO) emissions below 100 parts per million, volume (ppmv) for the Adiponitrile (ADN) North Boiler (Emission Point Number [EPN] PF41).		
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 a deviation.		
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:	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 Special Condition 21(E) PERMIT Special Condition 25(A) PERMIT Special Condition 25(B)(3) PERMIT Special Term and Condition 30 OP		
Description:	Failure to maintain Audible, Visual, and Olfactory (AVO) inspection records.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(F) 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 Special Term and Condition 29 OP Special Term and Condition 30 OP		
Description:	Failure to conduct a Method 9 Nickel Dump opacity observation.		
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 Special Condition 19F PERMIT Special Term and Condition 30 OP		
Description:	Failure to conduct monthly cooling tower sampling.		
Self Report?	NO	Classification:	Moderate
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(b)(2)(E) 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 Special Condition 21E PERMIT Special Term and Condition 30 OP		
Description:	Failure to prevent an open-ended line (OEL).		
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) 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		

Special Condition 2D PERMIT
 Special Term and Condition 30 OP
 Description: Failure to maintain NOx emissions for the North ADN Boiler (EPN PF41) below 0.20 lb/MMBtu.
 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
 Special Condition 21G PERMIT
 Special Term and Condition 30 OP
 Description: Failure to monitor a Leak Detection and Repair (LDAR) component.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(i)(II)
 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
 Special Condition 21H PERMIT
 Special Term and Condition 30 OP
 Description: Failure to update the cumulative daily emissions of components on Delay of Repair (DOR) within 10 days of the last leaking component added to DOR.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 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
 Special Condition 10C PERMIT
 Special Term and Condition 30 OP
 Special Term and Condition 3A OP
 Description: Failure to prevent a smoking flare for greater than 5 minutes.
 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)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 3 PERMIT
 Special Term and Condition 30 OP
 Description: Failure to maintain continuous records of the temperature of the gas stream in the combustion zone of the incinerator.

F. Environmental audits:

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. Minor

Classification:

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. Minor

Classification:

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

Rqmt Prov:

Compliance History Report for CN605811850, RN104392626, Rating Year 2023 which includes Compliance History (CH) components from August 27, 2019, through August 27, 2024.

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. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:

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)

Disclosure Date: 11/10/2022

Viol. Minor

Classification:

Citation: 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.119(b)(9)

Description: Failed to provide daily calibration records for two instances of instrument monitoring use (5/11 and 5/17/22).

Viol. Minor

Classification:

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

40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.104(a)(1)(i)

Rqmt Prov: PERMIT SC 21.F

Description: Failed to monitor 117 valves with an instrument that had been properly calibrated on the day of monitoring (refer to Disclosed Violation No. 1).

Viol. Minor

Classification:

Citation: 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.107(b)(4)(i)

Description: Failed to monitor eight pumps with an instrument that had been properly calibrated on the day of monitoring (refer to Disclosed Violation No. 1).

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)

Description: Failed to monitor seven pumps with an instrument that had been properly calibrated on the day of monitoring (refer to Disclosed Violation No. 1).

Viol. Minor

Classification:

Citation: 40 CFR Chapter 65, SubChapter C, PT 65, SubPT E 65.104(b)(2)(i)

Description: Failed to produce several quarterly precision calibration records for instruments used for monitoring for the first, second, and third quarters of 2022.

Viol. Moderate

Classification:

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

Description: Failed to conduct annual Method 21 monitoring for some connectors in 2020 and 2021 (approximately 7,000 connectors in light liquid and 1,200 connectors in gas/vapor service in 2020; 5,000 connectors in light liquid and 1,000 connectors in gas/vapor service in 2021) due to an issue in the database that resulted in the components not being placed in a monitoring route.

Viol. Moderate

Classification:

Citation:

40 CFR Chapter 65, SubChapter C, PT 65, SubPT G 65.143(a)(3)(ii)

40 CFR Chapter 65, SubChapter C, PT 65, SubPT G 65.163(a)(1)(ii)

Description: Failed to provide records documenting the applicability of this provision and, if applicable, the completion of the car-seal inspections. Bypass lines on closed vent systems are required to be secured by car-seal type system (requiring a visual inspection once a month) or monitored for flow indication.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.145

Description: Failed to report Title V deviations for Item Nos.1-7 in previous semiannual deviation reports and annual compliance certifications.

Disclosure Date: 04/28/2023

Viol. Minor

Classification:

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.101(a)

Rqmt Prov: PERMIT SC 4.B

Description: Failed to use correct MACT applicability for three transfer racks, which applies (HON) to product transfer racks used to fill (loading railcars and/or tank trucks. However, there are multiple transfer racks listed as being subjected to HON that do not load product and do not load into railcars nor tank trucks, but unload raw materials or load waste streams.

Viol. Minor

Classification:

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 G 63.144(b)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)(5)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(c)(1)

Rqmt Prov: PERMIT SC 4.C

OP STC 15.A

Description: Failed to maintain sufficient documentation for HON Wastewater Streams Group 2 Determinations. Specifically, no supporting documentation is available to demonstrate that wastewater streams listed as Group 2 meet the thresholds to be Group 2.

Viol. Minor

Classification:

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

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 4.G

OP STC 1.A

Description: Failed to provide documentation specificity for Combustion System Leak Monitoring Approach. Specifically, the combustion systems leaks required to specify in the NOCs for Boilers 5 and 7 provide a monitoring approach for the combustion system leaks incorporation in the automatic waste feed cutoff system lacks specificity regarding how the facility does it in practice.

Viol. Moderate

Classification:

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 G 63.110(d)(7)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110(d)(8)(i)(B)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.115(e)

Rqmt Prov: OP STC 1.A

PERMIT STC 4.C

Description: Failed to accurately reflect in the permit ISOM Reactor HON/NSPS RRR Applicability. Specifically, documentation for the retrofit project provides that ISOM Reactor is HON Group 1 Process, but it is not reflected in the permit or HON applicability documentation. Additionally, the retrofit project data also indicated that there was no vent on the OSOM Reactor to the regulatory assessment reverted back to pre-retrofit applicability, although the ISOM Reactor P7ID shows there may be a vent.

Viol. Moderate

Classification:

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 YY 63.1102

Rqmt Prov: PERMIT SC 4.F

OP STC 1.A

Description: Failed to determine the total annual average concentration of 40 CFR Part 63 Table 9 compounds for the HON MACT 11/20/22 existing cyanide chemicals manufacturing process unit that generates process wastewater from HCM purification, ammonia purification, or flare blowdown. Testing could trigger control requirements and no documentation that HCN MACT RTR required sampling was completed.

Viol. Moderate

Classification:

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 YY 63.1102

Rqmt Prov: PERMIT SC 4.F
OP STC 1.A

Description: Failed to take HCN MACT 5/18/22 compliance date actions with the first post -RTR compliance date startup, shutdown, malfunction plan (SSMP) provisions were no longer applicable and the site did not generate a standalone maintenance wastewater plan and discontinue use of SSMP.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(b)(3)

Description: Failed to submit the MON semiannual report covering 4/1-9/30/22 which was not submitted apparently due to an improper interpretation that it was not required since there were no longer any Group 1 sources. However, since there were Group 2 sources the requirement is still in the Title V permit.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT SC 16.B

Description: Failed to update in the calculation tool composition of emissions from Tank Nos. 55, 56, Raffinate Storage Tank Unit ID PT 383 and PT 384 and emissions may be overestimated. 12-month rolling exceedances of MAER for the tank may have occurred since permitted change and exceedances were not reported in the previous reporting period.

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

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

AGREED ORDER DOCKET NO. 2022-1361-IHW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INV Nylon Chemicals Americas, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing facility located at 3055A Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Facility"). The Facility involves or involved the management of industrial and hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 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 \$76,612 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$30,645 of the penalty and \$15,322 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$30,645 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Properly closed containers holding hazardous waste on September 6, 2022; and
 - b. Properly labeled hazardous waste containers in waste management units ("WMUs") and in satellite accumulation areas ("SAAs") with the words "Hazardous Waste" and an indication of the hazards of the contents on September 6, 2022.

II. ALLEGATIONS

During an investigation at the Facility conducted on June 16, 2022, an investigator documented that the Respondent:

1. Failed to transfer hazardous waste from a container that is not in good condition to a container that is in good condition, in violation of 30 TEX. ADMIN. CODE § 335.112(a)(8) and 40 CODE OF FEDERAL REGULATIONS ("C.F.R.") § 265.171. Specifically, one warped drum containing hazardous waste (1510310H) located in WMU 53 and one warped 55-gallon hazardous waste drum in WMU 223 were observed.
2. Failed to keep a container holding hazardous waste closed except when adding or removing waste, in violation of 30 TEX. ADMIN. CODE § 335.112(a)(8) and 40 C.F.R. § 265.173. Specifically, one unlabeled hazardous waste container in the Promoter Unit with the lid unsecured and one open hazardous waste drum due to a metal funnel modification to the lid in WMU 241 were observed.
3. Failed to label all hazardous waste containers with the words "Hazardous Waste" and an indication of the hazards of the contents, in violation of 30 TEX. ADMIN. CODE § 335.53(f) and 40 C.F.R. § 262.17(a)(5)(i). Specifically, the following were observed: seven 55-gallon hazardous waste drums in the Promoter Unit and a tanker trailer with hazardous waste

in WMU 73 were not labeled; 22 hazardous waste containers in WMU 223 and one 55-gallon hazardous waste drum in WMU 241 did not have an indication of the hazards of the contents; and one 55-gallon drum in WMU 223 was mislabeled as B-3030 wash material.

4. Failed to label all hazardous waste containers in SAAs with the words "Hazardous Waste", in violation of 30 TEX. ADMIN. CODE § 335.53(d) and 40 C.F.R. § 262.15(a)(5). Specifically, one 55-gallon drum in SAA 5 and approximately 35 chemical containers on a shelf in SAA 28 were observed without labels.
5. Failed to comply with the 90-day accumulation time limit, in violation of 30 TEX. ADMIN. CODE § 335.53(f) and 40 C.F.R. § 262.17(a). Specifically, two 55-gallon hazardous waste drums located in WMU 223 had accumulation dates exceeding the 90-day waste accumulation limitation by 43 days.

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. 2022-1361-IHW-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$30,645 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order,
 - i. Transfer the hazardous waste from the warped containers into containers that are in good condition, in accordance with 30 TEX. ADMIN. CODE § 335.112 and 40 C.F.R. § 265.171;

- ii. Develop and implement procedures to ensure that hazardous wastes stored at the Facility do not exceed the 90-day accumulation time limit, in accordance with 30 TEX. ADMIN. CODE § 335.53 and 40 C.F.R. § 262.17; and
 - iii. Remove the two 55-gallon hazardous waste drums from the Facility and dispose of them at an authorized facility, in accordance with 30 TEX. ADMIN. CODE § 335.53 and 40 C.F.R. § 262.17.
- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

- 4. All relief not expressly granted in this Order is denied.
- 5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Krista Melo-Jurach

06/20/2025

For the Executive Director

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.

Chance Fenetz
Signature

5/19/2025
Date

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

Plant Manager
Title

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

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

Attachment A
Docket Number: 2022-1361-IHW-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INV Nylon Chemicals Americas, LLC
Payable Penalty Amount:	\$61,290
SEP Offset Amount:	\$30,645
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Lighthouse Program</i>
Total Project Budget:	\$5,679,300.00
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Lighthouse Program* Project (the “Project”). The Project is to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners, coordinate between the contractors and the homeowners to answer questions, ensure that work is done timely and properly, and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP agreement between the Third-Party Administrator and the TCEQ.

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

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

B. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

INV Nylon Chemicals Americas, LLC
Docket No. 2022-1361-IHW-E
Agreed Order - Attachment A

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

5. Publicity

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

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.