IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL, SOUTH CAROLINA DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL and the CHATTANOOGA-HAMILTON COUNTY AIR POLLUTION CONTROL BOARD	)	
Plaintiffs,	)	Civil Action No. _____
v.	)	Judge _____
INVISTA S.à r.l.	)	
Defendant.	)	

CONSENT DECREE

Whereas, this Consent Decree is made by and between the United States of America, at the request and on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), the State of Delaware Department of Natural Resources and Environmental Control, the South Carolina Department of Health & Environmental Control, the Chattanooga-Hamilton County Air Pollution Control Board (collectively "Plaintiffs") and INVISTA S.à r.l ("INVISTA").

Whereas, Plaintiffs, by and through their undersigned counsel, have simultaneously filed Complaints and lodged this Consent Decree against INVISTA.

Whereas, INVISTA is a privately-owned integrated fibers and polymers company registered as a foreign limited liability company in the State of Delaware and headquartered in Wichita, Kansas.

Whereas, on April 30, 2004 (the "Closing Date"), E.I. du Pont de Nemours and Company and INVISTA finalized the sale of the DuPont Textiles & Interiors assets to INVISTA S.à r.l. The transaction involved over forty sites worldwide. Twelve facilities were located in the United States, specifically at: Athens, GA; Calhoun, GA; Camden, SC; Chattanooga, TN; Dalton, GA; Kinston, NC; LaPorte, TX; Martinsville, VA; Orange, TX; Seaford, DE; Victoria, TX; and Waynesboro, VA ("Acquired Facilities").

Whereas, EPA recognizes the critical role of environmental auditing in protecting human health and the environment by identifying, correcting, and ultimately preventing violations of environmental laws, particularly by responsible corporate citizens and new owners.

Whereas, as a result of the identification and disclosure of certain pre-Closing Date environmental noncompliance existing at some of the Acquired Facilities, INVISTA and EPA in July and August 2004 agreed that, pursuant to EPA's Policy on Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations, 65 Fed. Reg. 19618 (Apr. 11, 2000) ("EPA's Audit Policy"), INVISTA would continue implementation of its Compliance Assurance Management System ("CAMS") and conduct audits at the Acquired Facilities (hereinafter referred to as the "Corporate Audit Agreement"). In order to avail itself of the benefits afforded under EPA's Audit Policy, INVISTA entered into the Corporate Audit Agreement and was required thereunder to complete environmental compliance audits in addition to continued implementation of its CAMS at the Acquired Facilities covering the following statutes and implementing regulations thereof, corresponding state or local laws and regulations, and any permits issued under these laws (hereinafter referred to collectively as "Environmental Requirements"): the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. §§ 11001 to 11050; the Clean Water Act (CWA), 42 U.S.C. §§ 1251 to 1387; the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 to 6992k; the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136 to 136y; Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9603(a); the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f to 300j-26; and the Clean Air Act (CAA), 42 U.S.C. §§ 7401 to 7671q.

Whereas, over the course of 33 months, INVISTA conducted 23 comprehensive and 22 focused environmental audits examining the pre- and post-Closing Date compliance of the Acquired Facilities with the Environmental Requirements. During and upon completion of those audits, consistent with EPA's Audit Policy, INVISTA timely disclosed the violations identified in Appendices A, B, and C.

Whereas for the findings contained in Appendices A, B, and C, the Plaintiffs performed reviews of INVISTA's quarterly and final reports submitted pursuant to the Corporate Audit Agreement, which detailed the auditors' factual, technical, and legal findings. The Plaintiffs' review also included site visits to three Acquired Facilities that were related to the findings of violation and consideration of appropriate remedies, a series of technical meetings, legal and technical correspondence regarding the findings of violations and consideration of appropriate remedies, supplemental information requests, and a review of information and site-specific data submitted by INVISTA in response to Plaintiffs' requests. After that review the Plaintiffs determined, based on the foregoing, that violations of Environmental Requirements had occurred as set forth in Appendices A, B, and C.

Whereas, based upon the results of those audits, the United States alleges that violations of Environmental Requirements have taken place at INVISTA's Acquired Facilities as set forth in Appendices A, B, and C, and that INVISTA has certified that all violations in Appendix A have been corrected.

Whereas, due to significant complexities requiring further investigation, analysis, and potential corrective actions, INVISTA and EPA have agreed to resolve RCRA and CWA disclosures pertaining to the wastewater treatment and conveyance systems at INVISTA's LaPorte, Orange, and Victoria facilities in a future agreement, if necessary, with the understanding that this Consent Decree shall not prevent such disclosures from receiving coverage under EPA's Audit Policy.

Whereas, based on the representations by INVISTA, EPA has determined that the violations as set forth in Appendices A, B, and C have met the conditions of EPA's Audit Policy and are appropriate for resolution in accordance with the Policy.

Whereas, based upon the results of the audits, the United States, the State of Delaware Department of Natural Resources and Environmental Control, the South Carolina Department of Health & Environmental Control, and the Chattanooga-Hamilton County Air Pollution Control Board allege that violations of certain Clean Air Act programs and their implementing federal, state, and/or local regulations have been and/or are continuing to take place at certain of INVISTA's Acquired Facilities, including: the Nonattainment New Source Review and/or Prevention of Significant Deterioration programs (NNSR/PSD), 42 U.S.C. §§ 7502, 7503, and 7475; the New Source Performance Standards (NSPS), 42 U.S.C. § 7411; National Emissions Standards for Hazardous Air Pollutants (NESHAP), 42 U.S.C. § 7412; and Leak Detection and Repair (LDAR) requirements 42 U.S.C. §§ 7411-7412.

Whereas, the Plaintiffs and INVISTA wish to resolve the violations of Environmental Requirements that INVISTA has already corrected or is required to correct under this Decree by providing for the performance of injunctive relief and payment of civil penalties for the disclosed violations, as provided herein.

Whereas, the Plaintiffs and INVISTA agree that the amount of civil penalty set forth herein was negotiated in recognition of INVISTA's audit of the Acquired Facilities and agreement to disclose the violations it discovered.

Whereas, the Plaintiffs and INVISTA agree, and this Court by entering this Consent Decree finds, that: (i) this Consent Decree has been negotiated by the Parties in good faith and at arm's length; (ii) settlement of this matter will avoid prolonged and complicated litigation among the Parties; and (iii) this Consent Decree is fair, reasonable, in the public interest and consistent with the goals of the Environmental Requirements.

Whereas, INVISTA consents to the simultaneous filing of the complaints and lodging of this Consent Decree against INVISTA, without the admission of liability or any adjudication on any issue of fact or law.

THEREFORE, upon the consent and agreement of the Parties to this Consent Decree by their attorneys and/or authorized officials, the Parties agree as follows:

I. JURISDICTION AND VENUE

1. This Court shall have jurisdiction over this matter pursuant to 28 U.S.C. §§ 157, 1331, 1334, 1345, 1355 and 1367; Sections 113, 167 and 304(b)(1)(B) of the CAA, as amended, 42 U.S.C. §§ 7413, 7477 and 7604(b)(1)(B); Sections 309 and 311(b)(7)(E) of the CWA, 33 U.S.C. §§ 1319, 1321(b)(7)(E); Section 325(c)(4) of EPCRA, 42 U.S.C. § 11045; Section 109 of CERCLA, 42 U.S.C. § 9609; Sections 16 and 27(a) of FIFRA, 7 U.S.C. §§ 136n and 136w-2(a); Sections 1414(b) and 1423(b) of the SDWA, 42 U.S.C. §§ 300g-3(b), 300h-2(b); and Sections 3008(a) and 9006(e) of RCRA, 42 U.S.C. §§ 6928(a), 6991(e).

2. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1395(a); CAA § 113(b), 42 U.S.C. § 7413(b); FIFRA § 16, 7 U.S.C. § 136n; CWA §§ 309(b), 311(b)(7)(E), 33 U.S.C. §§ 1319(b), 1321(b)(7)(E); CERCLA § 109(c), 42 U.S.C. § 9609(c); EPCRA §§ 325(a)-(c), 42 U.S.C. §§ 11045(a)-(c); SDWA §§ 1414(b) and 1423(b), 42 U.S.C. §§ 300g-3(b), 300h-2(b); and RCRA §§ 3008(a), 9006, 42 U.S.C. §§ 6928(a), 6991e(a).

3. Solely for the purposes of this Consent Decree and the underlying Complaints, INVISTA waives all objections and defenses that it may have to the Court's jurisdiction over this action, to the Court's jurisdiction over INVISTA, and to venue in this District. For purposes of the Complaint filed by the Plaintiffs in this matter and resolved by the Consent Decree, and for purposes of entry and enforcement of this Consent Decree, INVISTA waives any defense or objection based on standing. This Consent Decree shall not create any rights in or grant any cause of action to any party other than the Plaintiffs and INVISTA. This Consent Decree does not limit or affect the rights of INVISTA or of any of the Plaintiffs against third parties who are not a party to this Consent Decree, nor shall this Consent Decree be construed to create rights in, or grant any cause of action to, any third parties not a party to this Consent Decree. Except as provided in Section XXIII (Public Comment) of this Consent Decree, the Parties consent to entry of this Consent Decree.

II. PARTIES BOUND

4. The provisions of this Consent Decree shall apply to the Acquired Facilities. This Consent Decree is binding on the United States, the State of Delaware Department of Natural Resources and Environmental Control, the South Carolina Department of Health & Environmental Control, the Chattanooga-Hamilton County Air Pollution Control Board, INVISTA and INVISTA's successors, transferees, grantees and assigns until the Consent Decree is terminated pursuant to Section XXVII (Termination). No transfer of ownership or operation of an Acquired Facility shall relieve INVISTA of its obligation to ensure that the terms of the Decree are implemented, unless the requirements of Section XIX (Sales or Transfers) are met.

5. INVISTA shall provide a copy of the applicable provisions of this Consent Decree to all vendors, suppliers, consultants, contractors, agents and any other company or other organization performing any of the work described under Sections IV (NNSR/PSD), V (NSPS), VI (BWON), or VII (LDAR) of this Consent Decree. Notwithstanding any retention of contractors, subcontractors, or agents to perform any work required under this Consent Decree, INVISTA shall be responsible for ensuring that all work is performed in accordance with the

requirements of this Consent Decree. In any action to enforce this Consent Decree, INVISTA shall not assert as a defense the failure of its officers, directors, employees, servants, agents or contractors to take actions necessary to comply with this Consent Decree, unless INVISTA establishes that such failure resulted from a Force Majeure event as defined in this Consent Decree.

III. DEFINITIONS

6. Unless otherwise defined herein, terms used in this Consent Decree shall have the meaning given to those terms in the CWA, EPCRA, CAA, FIFRA, CERCLA, and RCRA and the regulations promulgated thereunder. Whenever the terms listed below are used in this Consent Decree, the following definitions shall apply:

A. A "24-Hour Rolling Average Emission Rate" shall be expressed as lb/MMBTU for each pollutant in question and calculated in accordance with the following procedure: first, sum the total pounds of the pollutant in question emitted from the Unit during the most recent clock hour and the previous 23 clock hours; second, sum the total heat input to the Unit in MMBTU during the most recent clock hour and the previous 23 clock hours; and third, divide the total number of pounds of the pollutant emitted during the 24 hour period by the total heat input during the 24 hour period. A new 24-Hour Rolling Average Emission Rate shall be calculated for each additional clock hour of operation.

B. A "30-Day Rolling Average Emission Rate" shall be expressed as lb/MMBTU for each pollutant in question and calculated in accordance with the following procedure: first, sum the total pounds of the pollutant in question emitted from the Unit during an Operating Day and the previous 29 Operating Days; second, sum the total heat input to the Unit in MMBTU during an Operating Day and the previous 29 Operating Days; and third, divide the total number of pounds of the pollutant emitted during the 30 Operating Days by the total heat input during the 30 Operating Days. A new 30-Day Rolling Average Emission Rate shall be calculated for each Operating Day. Each 30-Day Rolling Average Emission Rate shall include all emissions that occur during all periods of Startup, Shutdown, and Malfunction within an Operating Day.

C. A "24-Hour Rolling Average Removal Efficiency" means the percent reduction in the mass of each pollutant in question achieved by a Unit's pollution control device over a 24-hour period. This percent reduction shall be calculated by subtracting the outlet 24-Hour Rolling Average Emission Rate from the inlet 24-Hour Rolling Average Emission Rate, dividing that difference by the inlet 24-Hour Rolling Average Emission Rate, and then multiplying by 100. A new 24-Hour Rolling Average Removal Efficiency shall be calculated for each new hour.

D. A"30-Day Rolling Tonnage" means the sum of the tons of each pollutant in question emitted from the Unit or Units in the most recent calendar day and the previous twenty-nine (29) calendar days. A 30-Day Rolling Tonnage shall be calculated for each new calendar day in accordance with the provisions of this Consent Decree. The calculation of each

30-Day Rolling Tonnage shall include the pollutants emitted during periods of Startup, Shutdown, and Malfunction within each calendar month.

E. A "12-Month Rolling Heat Input Percentage" means the sum of the total heat input from the fuel type in question in the most recent complete month and the previous eleven (11) months divided by the sum of the total heat input from all fuel types in the most recent complete month and the previous eleven (11) months.

F. A "12-Month Rolling Tonnage" means the sum of the tons of the pollutant in question emitted from the Unit or Units in the most recent complete month and the previous eleven (11) months. A 12-Month Rolling Tonnage shall be calculated for each new complete calendar month in accordance with the provisions of this Consent Decree. The calculation of a 12-Month Rolling Tonnage shall include the pollutants emitted during periods of Startup, Shutdown, and Malfunction within each calendar month. Calculation of the first 12-Month Rolling Tonnage shall commence 12 months after the applicable emission limit takes effect.

G. "Acquired Facilities" shall mean the INVISTA facilities located at: Athens, GA; Calhoun, GA; Camden, SC; Chattanooga, TN; Dalton, GA; Kinston, NC; LaPorte, TX; Martinsville, VA; Orange, TX; Seaford, DE; Victoria, TX; and Waynesboro, VA.

H. "ADN" shall mean adiponitrile.

I. "ADN Area" shall mean the area where adiponitrile is manufactured and does not include the HCN process or Promoter Area at the Orange Facility or the HCN process area at Victoria.

J. "Applicable Co-Plaintiff" shall mean the following parties with respect to the following Acquired Facilities: Camden Facility - the SCDHEC; Chattanooga Facility - the CHCAPCB; and Seaford Facility - State of Delaware through the DNREC.

K. "Audit," except as used in Section VII (Leak Detection and Repair Program Enhancements), shall mean the assessments of compliance with the Environmental Requirements conducted by or at the direction of INVISTA at the Acquired Facilities pursuant to the Corporate Audit Agreement between INVISTA and EPA.

L. "Athens Facility" means the INVISTA facility located at 110 Voyles Road, Athens, Georgia.

M. "Calhoun Facility" means the INVISTA facility located at 220 Boling Industry Way, Calhoun, Georgia.

N. "Camden Facility" means the INVISTA facility located at 643 Highway 1 South, Lugoff, South Carolina.

O. "CEMS" or "Continuous Emission Monitoring System" means, for obligations involving NO_x and SO_2 under this Consent Decree, the devices defined in 40 C.F.R.

§ 60 Appendix B and installed and maintained as required by 40 C.F.R. Part 60; for the Camden Facility, which is subject to 40 C.F.R. Part 75, its CEMS may be installed, certified, and maintained under 40 C.F.R. Part 75, provided that the Facility reports emissions required by this Consent Decree pursuant to the provisions of 40 C.F.R. Part 60.

P. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601-9675, and its implementing regulations.

Q. "CHCAPCB" means the Chattanooga-Hamilton County Air Pollution Control Board and any successor departments or agencies.

R. "Chattanooga Facility" means the INVISTA facility located at 4501 N. Access Road, Chattanooga, Tennessee.

S. "Clean Air Act" or "CAA" means the federal Clean Air Act, 42 U.S.C. §§7401-7671q, and its implementing regulations.

T. "Clean Water Act" or "CWA" means the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251-1387, and its implementing regulations.

U. "Cold Startup Period" occurs whenever there has been no fire in the boiler of a Unit (no combustion of any Fossil Fuel) for a period of six (6) hours or more, and means the time between the beginning of the combustion of fuel in a Unit until 20 minutes after the SCR reaches the vendor's recommended design minimum temperature for injection of a reducing agent, a period not to exceed four (4) hours.

V. "Consent Decree" or "Decree" shall mean this Consent Decree.

W. "Continuously Operate" or "Continuous Operation" means that when an SCR, FGD, Mobotec, or other pollution control or treatment device or process is used at a Unit, except during a Malfunction, it shall be operated at all times such Unit is in operation, consistent with the technological limitations, manufacturers' specifications, and good engineering and maintenance practices for such equipment and the Unit so as to minimize emissions to the greatest extent practicable.

X. "Dalton Facility" means the facility at 403 Holiday Ave., Dalton, Georgia.

Y. "Date of Lodging" shall mean the date the Consent Decree is lodged in the United States District Court.

Z. "Day" shall mean a calendar day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or a federal holiday, the period shall run until the close of business of the next business day.

AA. "DNREC" means the Delaware Department of Natural Resources and Environmental Control and any successor departments or agencies.

BB. "Duct-injection" means a pollution control technology that employs injection of selected sorbents into the flue gas to control SO_2 emissions.

CC. "Election Date" shall mean, for the Chattanooga Facility, the fourth anniversary of the Entry Date.

DD. "Emission Rate" means, in the case of an instantaneous emission, the number of pounds of pollutant emitted per million BTU of heat input (lb/MMBTU) measured in accordance with this Consent Decree; in the case of mass emissions, Emission Rate means the total number of tons of pollutant emitted over a defined period of time, measured in accordance with this Consent Decree.

EE. "Entry Date" or "Date of Entry" shall mean the date this Consent Decree is signed by a United States District Court Judge.

FF. "Environmental Requirements" shall mean the following federal statutes and their implementing regulations: the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. §§ 11001 to 11050; the Clean Water Act (CWA), 42 U.S.C. §§ 1251 to 1387; the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 to 6992k; the Clean Air Act (CAA), 42 U.S.C. §§ 7401 to 7671q; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 to 9675; the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136 to 136y; the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f to 300j-26 and corresponding state and local laws and regulations and any permits issued under these laws.

GG. "EPA" shall mean the United States Environmental Protection Agency, and any successor departments or agencies of the United States.

HH. "EPCRA" means the federal Emergency Planning and Community Right-to-Know Act," 42 U.S.C. §§ 11001-11050, and its implementing regulations.

II. "Flue Gas Desulfurization System," or "FGD," means a pollution control device that employs flue gas desulfurization technology for the reduction of sulfur dioxide.

JJ. "Fossil Fuel" shall have the same meaning as set forth in 40 C.F.R. § 60.41.

KK. "INVISTA" means INVISTA S.à r.l.

LL. "Kinston Facility" means the former INVISTA facilities located at 4695 Highway 11 North, Kinston, North Carolina.

MM. "LaPorte Facility" means the INVISTA facility located at 12455 Strang Road, LaPorte, Texas.

NN. "lb/MMBTU" means one pound of a pollutant per million British thermal units of heat input.

OO. "Malfunction" shall mean, as that term is defined under 40 C.F.R. § 60.2, "any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operations are not malfunctions."

PP. "Martinsville Facility" means the INVISTA facility located at 1008 DuPont Road, Martinsville, Virginia.

QQ. "Mobotec ROFA" means the pollution control device manufactured by Mobotec USA that employs rotating opposed fired air technology to reduce NO_x emissions.

RR. "Mobotec ROFA with Rotamix" means the pollution control device manufactured by Mobotec USA that employs rotating opposed fired air technology and rotary mixing of chemicals to reduce NO_x emissions.

SS. "MW" means a megawatt or one million Watts.

TT. "NAAQS" means national ambient air quality standards that are promulgated pursuant to Section 109 of the Clean Air Act, 42 U.S.C. § 7409.

UU. "NO_x" means oxides of nitrogen, measured in accordance with the provisions of this Consent Decree.

VV. "Nonattainment NSR" or "NNSR" means the nonattainment area New Source Review program under Part D of Subchapter I of the Clean Air Act, 42 U.S.C. §§ 7501-7515 as implemented in 40 C.F.R. Part 51 and the applicable State Implementation Plans.

WW. "NSPS" means New Source Performance Standards within the meaning of Part A of Subchapter I, of the Clean Air Act, 42 U.S.C. § 7411, 40 C.F.R. Part 60.

XX. "Operating Day" means any calendar day on which a Unit fires Fossil Fuel.

YY. "Orange Facility" shall means the INVISTA facility located at 3055A FM 1006, Orange, Texas.

ZZ. "Over-fire Air" means a pollution control device to reduce NO_x formation in a Unit boiler by directing a portion of the air to be combusted through ports above the level of the cyclones in the furnace.

AAA. "Ownership Interest" means all or part of INVISTA's legal or equitable interest in any of INVISTA's Acquired Facilities.

BBB. "Parties" shall mean the United States, the State of Delaware Department of Natural Resources and Environmental Control, the South Carolina Department of Health and Environmental Control, the Chattanooga-Hamilton County Air Pollution Control Board and INVISTA.

CCC. "Permitting Authority" shall mean the following with respect to the following Acquired Facilities: Camden Facility - the SCDHEC; Chattanooga Facility - the CHCAPCB; and Seaford Facility - State of Delaware through the DNREC.

DDD. "Plaintiffs" means the United States of America, the State of Delaware Department of Natural Resources and Environmental Control, the South Carolina Department of Health and Environmental Control, and the Chattanooga-Hamilton County Air Pollution Control Board.

EEE. "PPM" means parts per million.

FFF. "Promoter Area" means the area where the catalyst for the ADN process is manufactured.

GGG. "PSD" means Prevention of Significant Deterioration within the meaning of Part C of Subchapter I of the Clean Air Act, 42 U.S.C. §§ 7470 - 7492 and 40 C.F.R. Parts 51 and 52 and the applicable State Implementation Plans.

HHH. "RCRA" means the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901-6992k, and its implementing regulations.

III. "SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26, and its implementing regulations.

JJJ. "SCDHEC" means the South Carolina Department of Health and Environmental Control and any successor departments or agencies.

KKK. "Seaford Facility" means INVISTA's facility located at 25876 DuPont Road, Seaford, Delaware.

LLL. "Selective Catalytic Reduction System" or "SCR" means a pollution control device that employs selective catalytic reduction technology for the reduction of NO_x emissions.

MMM. "Selective Non-Catalytic Reduction System" or "SNCR" means a pollution control device for reducing NO_x emissions through the use of selective non-catalytic reduction technology.

NNN. "Shutdown" means the cessation of operation of equipment for any purpose.

OOO. "SO_2" means sulfur dioxide, measured in accordance with the provisions of this Consent Decree.

PPP. "Startup" means the setting into operation of the equipment for any purpose.

QQQ. "State of Delaware" or "Delaware" means the State of Delaware Department of Natural Resources and Environmental Control.

RRR. "Title V Permit" means the permit required of INVISTA's major sources under Subchapter V of the Clean Air Act, 42 U.S.C. §§ 7661-7661e and the applicable State Implementation Plans.

SSS. "Unit" shall mean a piece of equipment or an emissions source that is subject to a requirement within this Consent Decree.

TTT. "United States" shall mean the United States of America, on behalf of EPA.

UUU. "Vapor Combustion Unit" means equipment used for combustion or destruction of organic vapors.

VVV. "Vaporizer" means a combustion unit designed for use in process industries and that produces process heat using recirculating fluids at low operating pressure.

WWW. "Victoria Facility" means the INVISTA facility located at 2695 Old Bloomington Road North, Victoria, Texas.

XXX. "Waynesboro Facility" means the INVISTA facility located at 400 DuPont Boulevard, Waynesboro, Virginia.

IV. NONATTAINMENT NEW SOURCE REVIEW (NNSR) / PREVENTION OF SIGNIFICANT DETERIORATION(PSD) REQUIREMENTS

Summary: This Consent Decree requires NNSR/PSD Controls at four Acquired Facilities: the Camden Facility, the Chattanooga Facility, the Seaford Facility and the Victoria Facility.

The Camden Facility has four coal-fired steam generating boilers, designated as Boilers 1, 2, 3 and 4, and four vaporizers. Camden Boilers 3 and 4 and the Camden Vaporizers have pollution control and/or emission reduction requirements under this Decree as described in Paragraphs 10, 26-27, 34 and 37 below.

The Chattanooga Facility has two natural gas-fired steam generating boilers (Boilers 1 and 2) capable of firing either natural gas or fuel oil, three coal-fired steam generating boilers (Boilers 3, 4, and 5), and six vaporizers. Chattanooga Boilers 3, 4, and 5 and the Chattanooga Vaporizers have pollution control and/or emission reduction requirements under this Decree as described in Paragraphs 7, 8, 11, 26, 28, 35 and 37 below.

The Seaford Facility has seven vaporizers and four steam-generating boilers, three of these boilers are capable of operating by burning either coal or fuel oil, which are designated as Boilers 1, 2, and 3, and one boiler is capable of operating by burning natural gas or fuel oil, designated as Boiler 4 (package boiler). Seaford Boilers 1, 2, and 3 and the Seaford Vaporizers have pollution control and/or emission reduction requirements under this Decree as described in Paragraphs 9, 12-16, 26, 29-33, 36, 37, and 38 below.

The Victoria Facility has six boiler and industrial furnaces ("BIF boilers") that burn liquid and gaseous streams, which are designated as Boilers 1, 2, 3, 4, 7, and 8. The Victoria Facility has one gas-fired co-generation unit designated as the Cogen Unit. Victoria Boilers 1, 2, 3, 4, 7, 8, the Cogen Unit, and any new boiler constructed at the Victoria Facility have pollution control and/or emission reduction requirements under this Decree as described in Paragraphs 17-26 below.

A. ELECTION PROVISIONS AND INTERIM CONTROLS

Chattanooga Facility Election Provision and Interim Controls

7. No later than four years after the Entry Date ("Election Date"), INVISTA shall elect to either: (a) install and Continuously Operate by no later than eighteen (18) months after the Election Date the NO_x emission controls and SO_2 emission controls for Chattanooga Boilers 3, 4, and 5 pursuant to Paragraphs 11 and 28; or (b) retire and permanently cease to operate Chattanooga Boilers 3, 4, and 5 no later than four years after the Entry Date. INVISTA shall inform the United States and the CHCAPCB of its election in writing.

8. Beginning on the Entry Date, INVISTA shall reduce its emission rate for Chattanooga Boilers 3, 4, and 5 to achieve a 12-Month Rolling Tonnage of no greater than 292 tons NO_x and 870 tons SO_2 until it exercises its election under Paragraph 7.

Seaford Facility Election Provision

9. By no later than the Entry Date, INVISTA shall select one of the following emissions reduction options set forth below for the Seaford Facility, and shall notify the United States and the State of Delaware in writing as to which option INVISTA has selected. After providing the United States and the State of Delaware with written notice of its selected approach, INVISTA shall implement the selected approach in compliance with the schedule set forth in this Consent Decree.

a. Seaford Option A - INVISTA shall install and Continuously Operate

pollution control technology on Boilers 1 and 3, and shall implement operational and fuel limitations on Boiler 2, in compliance with Paragraphs 12, 14-16, 29-32 of this Consent Decree. The 12-Month Rolling Tonnage from Seaford Boilers 1 and 3 under this Option shall not exceed 598 tons of NO_x and 1446 tons of SO_2.

b. Seaford Option B -By no later than May 1, 2009, INVISTA shall cease coal firing on Boilers 1 and 3, shall discontinue use of Boiler 2, shall install and Continuously Operate a natural gas-fired boiler with SCR technology, and shall operate Boilers 1 and/or 3 on fuel oil only in compliance with Paragraphs 13 and 33 of this Consent Decree. The 12-Month Rolling Tonnage from the natural gas-fired boiler under this Option, while burning natural gas only, shall not exceed 12 tons NO_x and 1 ton SO_2. The 12-Month Rolling Tonnage from Boilers 1 and 3 (while burning either #6 residual oil containing no more than 1% sulfur on an annual average basis or #2 distillate oil), and the new natural gas fired boiler (while burning #2 distillate oil), shall not exceed 118 tons NO_x and 353 tons SO_2. INVISTA shall operate the SCR technology according to the vendor recommendations regardless of fuel type burned.

B. NO_x EMISSIONS CONTROLS AND LIMITS

Camden Facility NO_x Emission Controls

10. By December 31, 2011, INVISTA shall convert Camden Boiler 3 to a natural gas-fired boiler. INVISTA shall install and Continuously Operate SCR control technology on Camden Boiler 3. INVISTA shall install and Continuously Operate Mobotec ROFA with Rotamix designed to achieve a removal efficiency for NO_x of at least sixty-five percent (65%) on Camden Boiler 4. The 30-Day Rolling Tonnage of combined NO_x emissions from Camden Boilers 3 and 4 shall not exceed 23 tons; and the 12-Month Rolling Tonnage of combined NO_x emissions from Boilers 3 and 4 shall not exceed 202 tons.

Chattanooga Facility NO_x Emission Controls

11. Pursuant to Paragraph 7, if INVISTA elects to install and Continuously Operate emission controls on Chattanooga Boilers 3, 4, and 5, then eighteen months after that election, INVISTA shall comply with the requirements of either option (a) or (b) as outlined below in this Paragraph.

a. INVISTA shall install and commence Continuous Operation of Mobotec ROFA and/or Over-fire Air designed to achieve a removal efficiency for NO_x of at least fifty percent (50%) on Chattanooga Boilers 3, 4, and 5. The 30-Day Rolling Tonnage from Chattanooga Boilers 3-5 combined under this Subparagraph shall not exceed 23 tons NO_x; and the 12-Month Rolling Tonnage shall not exceed 194 tons NO_x.

b. INVISTA shall convert one or more of Boilers 3, 4, and 5 to burn exclusively natural gas. INVISTA shall install and Continuously Operate ultra low-NO_x burner technology or an SCR on each Boiler converted to natural gas firing. For each Boiler 3, 4, or 5 that is not converted to natural gas firing, INVISTA shall install and commence Continuous Operation of Mobotec ROFA and/or Over-fire Air designed to achieve a removal efficiency for NO_x of at least fifty percent (50%), and shall limit NO_x emissions to a 30-Day Rolling Average

Emissions Rate of no greater than 0.3 lb/MMBTU for each Boiler that has Mobotec ROFA installed. The 30-Day Rolling Tonnage of NO_x emissions from Chattanooga Boilers 3-5 combined under this Subparagraph shall not exceed 20 tons; and the 12-Month Rolling Tonnage of NO_x emission shall not exceed 160 tons NO_x.

Seaford Facility NO_x Emission Controls

DEFINITIONS: For purposes of Paragraphs 12-16 only, the terms "Startup" and "Shutdown" shall have the following meanings:

a. "Startup" means the one-hour period immediately following the beginning of combustion of fuel in a Unit, except during a Cold Startup Period.

b. "Shutdown" means the period of no more than one hour that immediately precedes the cessation of fuel combustion in a Unit.

12. If INVISTA elects Seaford Option A, then by no later than May 1, 2009, INVISTA shall install and Continuously Operate Mobotec ROFA with Rotamix that is designed to achieve a removal efficiency for NO_x of at least sixty-five percent (65%) on Seaford Boilers 1 and 3. The 12-Month Rolling Tonnage of NO_x emissions under this option shall not exceed 272 tons for Boiler 1 and 326 tons for Boiler 3. The 24-Hour Rolling Average Emissions Rate for each Boiler shall be determined in compliance with the Optimization of NO_x Controls under Paragraph 14-16 of this Consent Decree.

13. If INVISTA elects Seaford Option B, then by no later than May 1, 2009, INVISTA shall install and Continuously Operate a natural gas fired boiler with SCR that achieves 5 ppmvd NO_x corrected to 3% Oxygen on a 3-hour rolling average basis while burning natural gas only, to be calculated as follows:

a. The 3-hour rolling average basis shall be expressed as the average concentration of NO_x in parts per million by dry volume ("ppmvd"), corrected to 3% O_2, as averaged over three (3) hours (which may be nonconsecutive, partial hours) during which the boiler operates on natural gas only. In determining the 3-hour rolling average basis, INVISTA shall use CEMS in accordance with the applicable reference methods specified in 40 C.F.R. § 60.13(h) to calculate the emissions for each 15-minute interval within each clock hour, except during a Cold Startup Period or as otherwise provided in this Paragraph;

b. Compliance with the 3-hour rolling average basis shall be demonstrated by averaging all valid CEMS data points for the 3-hour interval readings while burning natural gas only, except during a Cold Startup Period. A minimum of two (2) 15-minute CEMS interval reading per clock hour is required to determine compliance with the 3-hour rolling average basis. All emissions recorded by CEMS shall be reported in 3-hour averages;

c. NO_x emissions above 5 ppmvd during periods of Malfunction of the

natural gas-fired boiler or during Malfunction of the SCR will not be used in determining compliance with the 3-hour rolling average basis established pursuant to this Paragraph. For any event to be considered a Malfunction, INVISTA must satisfy each of the following:

i. The Seaford facility was at the time of the event being operated in a prudent and professional manner and in compliance with generally accepted industry operations and maintenance procedures;

ii. The 3-hour average NO_x emissions above the 5 ppmvd basis did not occur as a result of improperly designed equipment; lack of preventative maintenance; careless or improper operation; or the tampering with, interfering with, altering or adjusting any equipment in any way that conceals or disguises the type and quantity of emissions;

iii. During the period of the event INVISTA takes all reasonable steps to minimize levels of NO_x emissions from the gas-fired boiler and takes all reasonable measures to minimize the duration of such event and to prevent the recurrence of such event in the future;

iv. The operating conditions causing the event are recorded in the Seaford Facility's operating log within 24 hours of the event, and in the CEMS by 5 p.m. the next business day following the event. The notations in the log and CEMS must describe the data, list the time of entry into the log, and describe the plant operating conditions responsible for the event;

v. The 3-hour average NO_x concentration does not exceed 30 ppmvd, when calculated under this Paragraph;

vi. INVISTA provides written notice of the Malfunction claim to DNREC within two (2) business days of the Malfunction period containing: a description of the event, any steps taken to mitigate emissions, and any corrective actions taken; and

vii. Within thirty (30) calendar days of the event, INVISTA files a report with DNREC and EPA that sets forth the information that demonstrates the applicability of Subparagraphs 13.c.i – 13.c.vi to the Malfunction event. This report shall also contain: (1) the cause of, and INVISTA's response to, the Malfunction; (2) whether INVISTA has taken all reasonable and prudent steps to abide by the emissions limit conditions; (3) whether INVISTA has taken all reasonable and prudent steps to minimize the emissions associated

with the Seaford Facility; (4) the degree to which INVISTA has reduced throughput to the boiler and the basis for such degree of reduction; (5) the estimated emissions associated with a complete Shutdown of the boiler; (6) whether INVISTA had reviewed all prior similar causes of Malfunctions and had taken all reasonable and prudent actions necessary to avoid future similar outages; and (7) the actual emissions during the period of Malfunction;

d. Commencing sixty (60) days from the installation of the natural gas-fired boiler, Subparagraph 13.c may apply to no more than ten (10) 3-hour averages of NO_x per calendar year, and it is INVISTA's burden to demonstrate to DNREC and EPA that it has met the conditions of Subparagraphs 13.c.i-vi. All NO_x emissions during these 3-hour periods covered by Subparagraph 13.c shall be included when calculating the 12-Month Rolling Tonnage of NO_x emissions for the natural gas-fired boiler; and

e. Nothing in this Paragraph shall be construed to relieve INVISTA of any obligation under any applicable law, regulation, or permit to report emissions during periods of Malfunction, or to document the occurrence and/or cause of a Malfunction event.

Optimization of NO_x Controls Under Option A:

14. INVISTA's operation of the NO_x controls for Seaford Boilers 1 and 3 for an initial period of 180 days at the Seaford Facility shall constitute the "Optimization Period" for this technology, and shall commence upon completion of construction and operation of the NO_x controls for each Boiler. During each Boiler's Optimization Period, INVISTA shall commence a period of combustion tuning to optimize performance of the controls. This will include an evaluation of the effect of operating parameters on NO_x emissions, the monitoring of NO_x emissions and the other relevant operating parameters to identify optimum operating parameters that minimize NO_x emissions. Thereafter, INVISTA shall operate the NO_x controls at the Units in accordance with those parameters to minimize NO_x emissions to the greatest extent possible. INVISTA shall meet the performance test requirements set forth in Section XII, Paragraph 98 of this Consent Decree during each 180 day Optimization Period.

15. Initial Emissions Reports: No later than 90 days after the completion of each Optimization Period pursuant to Paragraph 14, INVISTA shall submit Initial Emissions Reports to EPA and DNREC. Each report shall include a summary of the 24-Hour Rolling Average Emission Rate for each respective Boiler, emission monitoring data during the Optimization Period including relevant CEMS data, and the operating parameter limits that INVISTA proposes to monitor for compliance demonstration. Each report shall also include INVISTA's proposed 24-Hour Rolling Average Emissions Rate (lb/MMBTU) for each Boiler, which shall be set at a level at least as stringent as the designed to achieve removal efficiency for NO_x specified in Paragraph 12 above.

16. Proposed and Final Emission Limits: DNREC shall set the final 24-Hour Rolling Average Emission Rate (lb/MMBTU) for each Boiler and operating parameters based on INVISTA's Initial Emissions Reports under Paragraph 15, process variability, a reasonable certainty of compliance and any other information pertinent to the specific emission unit. INVISTA shall comply with the proposed emission limit for each respective Boiler immediately following submission of the Initial Report for that Boiler, and shall comply with the final limit no later than sixty (60) days following INVISTA's receipt of notice from DNREC regarding the final emission limit or upon issuance of an operating permit from DNREC, whichever is earlier.

Victoria NO_x Emission Controls

Boiler Controls

17. By no later than December 31, 2011, INVISTA shall route all Low Boiler Waste streams at the Victoria Facility to Boilers 7 and 8 only and INVISTA shall install and commence Continuous Operation of SNCR technology, in compliance with Paragraph 21, on one of Boilers 7 or 8 by no later than December 31, 2011, and on the other by no later than December 31, 2012.

18. Victoria SCR Feasibility Pilot Study. INVISTA shall complete a pilot study (the "Victoria SCR Feasibility Pilot Study" or "Study") using an *in situ* pilot-scale SCR slipstream reactor designed to achieve a NO_x removal efficiency of at least ninety percent (90%) and that shall be designed to simulate the treatment of exhaust gases generated during normal representative operating loads (including Startup and Shutdown). The pilot-scale SCR slipstream reactor will utilize a medium temperature range, honeycomb catalyst SCR system and will include regular soot blowing and a sacrificial catalyst layer inside the SCR vessel. The Study will be conducted on one or, at INVISTA's election, more of Boilers 1-4 at the Victoria Facility, which Boiler(s) are to be selected by INVISTA.

a. The Study shall be comprised of a "Combined Waste Phase" with a potential second "Gas Waste Phase," if applicable. The first phase will be the "Combined Waste Phase" and will evaluate the application of SCR technology on a boiler firing combined liquid and gas wastes at the Victoria Facility. The first phase of the Study shall be complete by no later than December 31, 2011. A second phase, if applicable, will be the "Gas Waste Phase" and shall evaluate the application of SCR technology on a boiler firing only gas at the Victoria Facility. The second phase of the Study, if applicable, shall be complete by no later than December 31, 2012. Except as set forth in Subparagraph 18.h.ii(a) regarding the optional Gas Waste Phase of the Study, data collection during each phase shall be conducted for at least six months. The Study shall take into account catalyst erosion and poisoning, with catalyst measurements taken regularly. Except as provided in Subparagraph 18.d, normal vendor recommended best operating practices to maximize catalyst life for an SCR system shall be included in the Study.

b. The Victoria SCR Feasibility Pilot Study shall not be conducted on a boiler while combusting either Low Boiler Waste or the C12 WFE stream.

c. INVISTA shall submit its plan for each phase of the Study, as applicable, to EPA for approval no less than 60 days prior to commencement of each phase of the Study.

Within 50 days of receipt of the plan for the Study, EPA shall notify INVISTA of whether it approves or disapproves the plan. Approval of the plan shall not be unreasonably withheld.

d. During the Victoria SCR Feasibility Pilot Study, INVISTA shall use all reasonable efforts to operate the boiler and the pilot SCR in a manner that is representative of current and historic operating conditions (including Startup and Shutdown) and maximizing NO_x removal efficiency; provided, however, that INVISTA shall not be required to operate the boiler or SCR in a manner that creates a safety risk or impairs boiler operation unless reasonable efforts can be taken to compensate for such impairment. For purposes of this Paragraph, "reasonable efforts" do *not* include the installation and operation of pretreatment technologies, including, but not limited to, a baghouse control system, electrostatic precipitator, scrubber(s), or a sacrificial guard bed or vessel.

e. INVISTA shall provide updates of test results to EPA every other month via electronic mail and shall provide any other information relevant to the Study that EPA determines it needs upon request.

f. If at the completion of the Combined Waste Phase of the Victoria SCR Feasibility Pilot Study, INVISTA believes that SCR will not be feasible, as defined by Subparagraph 18.i, to treat combined liquid/gas wastes at the Victoria Facility Boilers, INVISTA may opt to commence the Gas Waste Phase of the Pilot Study, as set forth in Subparagraph 18.h.ii, in advance of submitting its report for the Combined Waste Phase of the Study pursuant to Subparagraph 18.g below.

g. Within ninety (90) days after completion of each phase of the Victoria SCR Feasibility Pilot Study, as applicable, INVISTA shall submit a written report to EPA summarizing the results of the Study. This report shall include the catalyst measurements, emission monitoring data, and operating data compiled on a daily or daily average basis.

h. Based on the results of the Combined Waste Phase of the Victoria SCR Feasibility Study, INVISTA shall include in its report for that phase a recommendation as to whether the installation and operation of SCR technology to treat combined liquid/gas wastes on the Victoria Boilers is feasible, as defined by Subparagraph 18.i.

i. In the event INVISTA asserts that SCR is feasible, as defined in Subparagraph 18.i, and EPA agrees pursuant to Subparagraph 18.j, INVISTA shall propose for EPA approval a schedule to install and Continuously Operate SCR technology designed to achieve a NO_x removal efficiency of at least ninety percent (90%) on one of Boilers 1-4 by December 31, 2013, and on each of the remaining three Boilers by no later than December 31, 2016;

ii. If INVISTA asserts in its report that SCR is not feasible, as defined in Subparagraph 18.i, to treat combined liquid/gas wastes at the Victoria Boilers, INVISTA may opt to conduct a Gas Waste Phase of the Victoria SCR Feasibility Pilot Study.

(a) The Gas Waste Phase shall evaluate the application of SCR technology on a gas-only waste boiler at the Victoria Facility, and shall be conducted in accordance with the requirements of this Paragraph 18, with the exception that INVISTA may propose a Study of less than six months if EPA agrees that there will be sufficient data for it to properly evaluate the feasibility of SCR pursuant to Subparagraphs 18.i and 18.j;

(b) If INVISTA elects not to conduct the Gas Waste Phase of the Study or, if in the report submitted pursuant to Subparagraph 18.g for the Gas Waste Phase of the Study INVISTA asserts that SCR on a gas-only waste boiler is feasible, as defined in Subparagraph 18.i, and EPA agrees pursuant to Subparagraph 18.j, INVISTA shall propose for EPA approval a schedule for the conversion of one of Boilers 1-4 to a gas-only waste boiler and the installation and Continuous Operation of SCR technology designed to achieve a NO_x removal efficiency of at least ninety percent (90%) on the gas-fired boiler by December 31, 2013, and SNCR on the remaining boilers by no later than December 31, 2016;

(c) If, in the report submitted pursuant to Subparagraph 18.g for the Gas Waste Phase of the Study, INVISTA asserts that SCR is not feasible, as defined by Subparagraph 18.i, and EPA agrees pursuant to Subparagraph 18.j, then INVISTA shall propose for EPA approval a schedule for the installation and Continuous Operation of SNCR technology on one of Boilers 1-4 by December 31, 2013, and on the remaining Boilers by December 31, 2016;

iii. Further, if INVISTA asserts that SCR is not feasible, as defined in Subparagraph 18.i, to treat combined liquid/gas wastes at the Victoria Boilers, and EPA agrees pursuant to Subparagraph 18.j, INVISTA may, at any time after December 31, 2012, re-route the Low Boiler Waste streams from Boiler(s) 7 and/or 8 to any Boiler(s) 1-4 equipped with SNCR technology. When combusting Low Boiler Waste in any boiler after December 31, 2012, INVISTA shall, to the greatest extent practicable, operate the boiler in accordance with optimum operating parameters for minimizing NO_x emissions that were identified during the Optimization Period for Boilers 7 and/or 8 under Subparagraph 21.a.

i. "Feasibility" Determination. For purposes of this Paragraph, the feasibility of SCR shall be determined based only on the following criteria:

i. If the data collected during the Study indicate that the catalyst in a full-scale SCR for the relevant liquid/gas or, as applicable, gas-

only boiler would need to be replaced at a rate of more than once per 12-month period in order to maintain a NO_x removal efficiency greater than that of SNCR, then SCR is considered infeasible for the purpose of this Paragraph 18;

ii. If the data collected during the Study indicate that a full-scale SCR for the relevant liquid/gas or, as applicable, gas-only boiler would require space velocity of less than 7,000 hr^{-1}, then SCR is considered infeasible for the purpose of this Paragraph 18; or

iii. If the data collected during the Study indicate that the amount of catalyst required in a full-scale SCR for the relevant liquid/gas or, as applicable, gas-only boiler would create a back pressure that exceeds the current structural/mechanical limitations of the boiler, then SCR is considered infeasible for the purpose of this Paragraph 18.

j. SCR Feasibility Determination and Installation Schedule.

i. Within 120 days of receipt of each report and schedule submitted by INVISTA pursuant to Subparagraph 18.g or Subparagraph 18.h, if applicable, EPA will review and either approve or conditionally approve INVISTA's selected technology and proposed implementation schedule or will specify another NO_x control technology (limited to SCR in lieu of an INVISTA-proposed SNCR or SNCR in lieu of an INVISTA-proposed SCR) or schedule to be implemented by INVISTA under Subparagraph 18.h;

ii. EPA will not specify the installation of SCR if EPA determines that any one of the criteria listed in Subparagraph 18.i demonstrates that SCR is infeasible under Paragraph 18;

iii. If EPA conditionally approves INVISTA's proposed technology or implementation schedule or if EPA rejects INVISTA's technology or implementation schedule and specifies that SCR be implemented in lieu of SNCR (or vice versa) or that the technology be implemented according to a different schedule, then within sixty (60) days of its receipt of EPA's determination, INVISTA shall either submit a revised schedule for implementing the EPA-specified SCR or SNCR technology, submit a revised proposal that responds to EPA's conditional approval, or invoke the Dispute Resolution provisions of Section XV.

k. If SCR is selected as the NO_x control technology, INVISTA shall comply with the optimization protocol set forth for SCR in Paragraph 19, below. If SNCR is selected as

the NO_x control technology, INVISTA shall comply with the optimization protocol set forth for SNCR in Paragraph 21, below, and shall Continuously Operate the SNCR using best efforts to maximize NO_x emissions reductions across all of the Victoria Boilers.

l. INVISTA shall comply with the implementation schedule approved by EPA pursuant to this Paragraph 18.

19. Optimization of SCR Controls.

a. Immediately after installation of the SCR technology under Paragraph 18, as applicable, INVISTA shall begin a 16-month period of optimizing the performance of each SCR (the "SCR Optimization Period") in a manner that optimizes the Unit consistent with design requirements and the ammonia feedrate so as to achieve the optimal design efficiency of the SCR technology. The SCR Optimization Period will include an evaluation of the effect of operating parameters on NO_x emissions, the monitoring of NO_x emissions and the other relevant operating parameters to identify optimum operating parameters that minimize NO_x emissions. After the SCR Optimization Period, INVISTA shall operate the SCR for that boiler in accordance with the parameters that minimize NO_x emissions to the greatest extent possible based on the evaluation conducted under this Subparagraph 19.a.

b. Initial SCR Emissions Report: By no later than ninety (90) days after completion of each SCR Optimization Period, INVISTA shall submit an emissions report to EPA. This report shall include a summary of NO_x emission monitoring data during the SCR Optimization Period for the boiler, including relevant CEMS data, operating data on a daily or daily average basis, and the operating parameter limits that INVISTA proposes to monitor for compliance demonstration. This report shall also include INVISTA's proposed NO_x emission limit for the Unit(s).

c. Proposed and Final Emission Limits: EPA shall set the final NO_x emission limit and operating parameters based on INVISTA's Initial SCR Emissions Report under Subparagraph 19.b, process variability, a reasonable certainty of compliance, and any other information pertinent to the specific emission Unit. INVISTA shall comply with the proposed NO_x emission limit immediately following submission of the Initial SCR Emissions Report, and shall comply with the final NO_x limit no later than thirty (30) days following INVISTA's receipt of notice from EPA regarding the final NO_x emission limit or upon issuance of an operating permit from the Permitting Authority, whichever is earlier.

20. Except, as set forth below, if, based on operations during the SCR Optimization Period, INVISTA asserts and EPA agrees that the catalyst in the SCR technology at any boiler needs to be replaced at a rate of once every six (6) to twelve (12) months in order to maintain a NO_x removal efficiency greater than that of SNCR, INVISTA may, after written approval from EPA, which shall not be unreasonably withheld, elect to cease to operate the SCR technology and, upon Shutdown of the SCR technology, commence Continuous Operation of SNCR technology. If, based on operations during the SCR Optimization Period, INVISTA asserts and EPA agrees that the catalyst needs to be replaced at a rate greater than once every six (6) months in order to maintain a NO_x removal efficiency greater than that of SNCR, INVISTA may, after

written approval from EPA, which shall not be unreasonably withheld, elect to cease to operate the SCR technology and, within five months of Shutdown of the SCR technology, shall commence Continuous Operation of SNCR technology. INVISTA shall submit its analysis and supporting documentation to EPA. The emissions limit for such an SNCR will be determined by the procedure outlined in Paragraph 21.

21. Optimization of SNCR Controls.

a. Immediately after the installation of SNCR on each boiler pursuant to Paragraph 17 and Paragraphs 18 or 20, if applicable, INVISTA shall begin a 180-day period of optimizing the performance of the SNCR for that boiler (the "SNCR Optimization Period"). This will include an evaluation of the effect of operating parameters on NO_x emissions and the monitoring of NO_x emissions and the other relevant operating parameters to identify optimum operating parameters that minimize NO_x emissions. Thereafter, INVISTA shall operate the SNCR at the boilers in accordance with those parameters to minimize NO_x emissions to the greatest extent possible based on the evaluation conducted under this Subparagraph 21.a.

b. Initial SNCR Emissions Report: No later than ninety (90) days after the completion of the last SNCR Optimization Period pursuant to Subparagraph 21.a, INVISTA shall submit an emissions report to EPA. This report shall include a summary of NO_x emission monitoring data for each Boiler's SNCR Optimization Period including relevant CEMS data, operating data on a daily or daily average basis, and the operating parameter limits that INVISTA proposes to monitor for compliance demonstration. This report shall also include INVISTA's proposed NO_x emission limits for the boilers and, if INVISTA elects to install a Thermal Oxidizer under Paragraph 23, for the Thermal Oxidizer that controls the C12 WFE.

c. Proposed and Final Emission Limits: EPA will set the final NO_x emission limits and operating parameters for each boiler (and the C12 WFE Thermal Oxidizer, as applicable) based on INVISTA's Initial SNCR Emissions Report under Subparagraph 21.b, process variability, a reasonable certainty of compliance, and any other information pertinent to the specific emission Unit. INVISTA shall comply with the proposed NO_x emission limits submitted under Subparagraph 21.b immediately following submission of the Initial SNCR Emissions Report, and shall comply with the final NO_x emissions limits no later than thirty (30) days following INVISTA's receipt of notice from EPA regarding the final NO_x emission limit or upon issuance of an operating permit from the Permitting Authority, whichever is earlier.

Cogen Unit and WFE Controls

22. By no later than December 31, 2011, INVISTA shall install and commence Continuous Operation of SCR at the Victoria Cogen Unit designed to achieve a NO_x reduction efficiency of at least ninety percent (90%) and emissions shall not exceed 10 ppmvd NO_x based on a 30-day rolling average or a 12-Month Rolling Tonnage of 85 tons NO_x.

23. By no later than December 31, 2013**,** INVISTA shall elect one of the following control options for the C12 WFE waste stream and shall notify the United States in writing as to which option INVISTA has selected:

a. Option A: By no later than December 31, 2015, INVISTA shall route the C12 WFE waste stream to a location offsite from the Victoria Facility;

b. Option B: By no later than December 31, 2015, INVISTA shall route the C12 WFE waste stream to a Thermal Oxidizer that is in compliance with all applicable federal and state permitting requirements;

c. Option C: By no later than December 31, 2015, INVISTA shall route the C12 WFE waste stream to a boiler equipped with SNCR control technology.

24. If INVISTA elects Option C and, during the SNCR Optimization Period or at any time thereafter for the boiler to which the C12 WFE stream is routed, INVISTA determines that combustion of the C12 WFE stream is causing or will likely cause the boiler to operate in excess of the emissions limits applicable to the boiler, INVISTA may, after written notice to EPA, elect to implement Option A or Option B under Paragraph 23.

25. If INVISTA elects to install a Thermal Oxidizer pursuant to Subparagraph 23.b (Option B), INVISTA shall include the emissions from the Thermal Oxidizer in its emissions report and proposed emission limits required under Subparagraph 21.b. Immediately upon installation of the Thermal Oxidizer, INVISTA shall operate the Thermal Oxidizer in a manner that minimizes NO_x emissions. A Thermal Oxidizer installed pursuant to this Paragraph shall be subject to the emissions limitations established under Subparagraph 21.c, above.

General NO_x Provision

26. All Units, except the Vaporizers, that have NO_x emissions limits under this Consent Decree shall be equipped with CEMS to measure NO_x emissions no later than the date the Unit has such requirements under this Consent Decree, with the exception that Units at Chattanooga shall be equipped with CEMS by no later than June 30, 2010.

C. SO_2 EMISSION REDUCTIONS AND CONTROLS

Camden SO_2 Emission Controls

27. By December 31, 2011, INVISTA shall convert and Continuously Operate Camden Boiler 3 as a natural gas-fired boiler. The 12-Month Rolling Tonnage for SO_2 emissions from Camden Boiler 3 under this option shall not exceed 1 ton.

Chattanooga SO_2 Emission Controls

28. Pursuant to Paragraph 7 above, if INVISTA elects to install and Continuously Operate emission controls on Chattanooga Boilers 3, 4, and 5, then eighteen months after the Election Date, INVISTA shall comply with the requirements of either option (a) or (b) as outlined below in this Paragraph:

a. INVISTA shall install and commence Continuous Operation of duct-injection technology on Chattanooga Boilers 4 and 5 designed to achieve a removal efficiency

for SO_2 of at least fifty percent (50%) combined with other control measures as may be necessary to meet the emissions requirements under this Subparagraph. The 30-Day Rolling Tonnage of SO_2 emissions from Chattanooga Boilers 3, 4, and 5 combined under this Subparagraph shall not exceed 60 tons; and the 12-Month Rolling Tonnage shall not exceed 530 tons SO_2. INVISTA shall operate the duct-injection technology installed under this Subparagraph in a manner that optimizes the technology consistent with design requirements to achieve the optimal design removal efficiency as identified in this Subparagraph;

b. INVISTA shall convert one or both Boilers 4 and 5 to burn exclusively natural gas. For the Boiler 4 or 5 that is not converted to natural gas firing, INVISTA shall install and commence Continuous Operation of duct injection technology designed to achieve a removal efficiency for SO_2 of at least fifty percent (50%) combined with other control measures that may be necessary to meet the emissions requirements under this Subparagraph. The 30-Day Rolling Tonnage of SO_2 emissions from Chattanooga Boilers 3-5 combined under this Subparagraph shall not exceed 45 tons; and the 12-Month Rolling Tonnage shall not exceed 445 tons SO_2. INVISTA shall operate the duct-injection technology installed under this Subparagraph in a manner that optimizes the technology consistent with design requirements to achieve the optimal design removal efficiency as identified in this Subparagraph.

Seaford SO_2 Emission Controls

DEFINITIONS: For purposes of Paragraphs 29-33 only, the terms "Startup" and "Shutdown" shall have the following meanings:

a. "Startup" means the one-hour period immediately following the beginning of combustion of fuel in a Unit, except during a Cold Startup Period.

b. "Shutdown" means the period of no more than one hour that immediately precedes the cessation of fuel combustion in a Unit.

29. If INVISTA elects Seaford Option A as described in Paragraph 9, then by January 1, 2010, INVISTA shall install and Continuously Operate a dry Flue Gas Desulfurization (FGD) System on Seaford Boiler 1 designed to achieve a 24-Hour Rolling Average Removal Efficiency for SO_2 of at least ninety percent (90%), except during Startup and Shutdown. The 12-Month Rolling Tonnage for SO_2 emissions shall not exceed 311 tons.

30. If INVISTA elects Seaford Option A as described in Paragraph 9, then by January 1, 2010, INVISTA shall install and Continuously Operate duct-injection technology on Seaford Boiler 3 designed to achieve a 24-Hour Rolling Average Removal Efficiency for SO_2 of at least fifty percent (50%), except during Startup and Shutdown. The 12-Month Rolling Tonnage of SO_2 emissions shall not exceed 1135 tons.

Seaford Facility Fuel and Operating Limitations

31. If INVISTA elects Seaford Option A as described in Paragraph 9, then by no later than May 1, 2009, INVISTA shall only burn either #6 residual oil or #2 distillate fuel oil in Seaford Boiler 2. If INVISTA burns #6 residual oil in Boiler 2, that residual oil shall contain no greater than 1% sulfur based on a 12-month rolling average.

32. If INVISTA elects Seaford Option A as described in Paragraph 9, then by no later than May 1, 2009, INVISTA shall only use Seaford Boiler 2 as a backup Boiler during Start-up, Shutdown, Malfunction, or maintenance of Boilers 1 or 3 which necessitates additional heat output from Boiler 2 to maintain normal operations.

33. If INVISTA elects Seaford Option B, as described in Paragraph 9, then by no later than May 1, 2009, INVISTA shall be authorized to burn either #6 residual oil (with a sulfur content of no greater than 1% based on a 12-month rolling average) or #2 distillate oil only in Boilers 1 and 3, and only #2 distillate oil in the new natural gas-fired boiler for a combined period of time not to exceed 2,880 hours based on a 12-month rolling summation of total hours and subject further to the 12-Month Rolling Tonnages set forth in Subparagraph 9.b, above. Notwithstanding the foregoing, in the event INVISTA is unable to install and operate Option B by May 1, 2009, due to delay in construction and/or permitting, INVISTA shall be authorized to burn either #6 residual oil or #2 distillate oil only in any of the existing Boilers for a period not to exceed two (2) months after May 1, 2009, without violation or penalty of any term or condition of this Consent Decree, including but not limited to the provision on "installation and operation" of controls (Paragraphs 9 and 13, herein). The number of hours of oil burning during this 2-month period shall be deducted from INVISTA's initial allocation of 2,880 hours during the first 12 months after May 1, 2009. Compliance with the 12-month rolling summation of 2,880 hours of oil-burning shall be determined by summing the number of hours plus any increment of an hour (increments less than one hour shall count as one hour) of continuous oil-burning, on a 12-month rolling basis.

Vaporizers

34. Camden Facility - Beginning sixty (60) days after the Entry Date, the Vaporizers 1-4 at the Camden Facility shall burn no more than 75% fuel oil and no less than 25% natural gas, calculated as a 12-Month Rolling Heat Input Percentage calculated from the total heat input to the vaporizers by each fuel type. The fuel oil used in the Camden Vaporizers 1-4 shall not exceed a 1% sulfur content based on a 12-month rolling average.

35. Chattanooga Facility - Beginning on the Entry Date, the Vaporizers 1-6 at the Chattanooga Facility shall burn no less than 95% natural gas and no more than 5% fuel oil as a 12-Month Rolling Heat Input Percentage calculated from the total heat input to the vaporizers by each fuel type. The fuel used in the Chattanooga Vaporizers 1-6 shall not exceed a 0.3% sulfur content based on a 12-month rolling average.

36. Seaford Facility - Beginning on the Entry Date, the Vaporizers at the Seaford Facility shall burn #2 distillate or #6 residual fuel oil with a sulfur content no greater than 1% sulfur based on a 12-month rolling average.

General SO_2 Provisions

37. All Units, except the Vaporizers, Units firing natural gas, and Seaford Units firing only fuel oil as described under Paragraph 33, that have SO_2 emissions limits under this Consent Decree shall be equipped with CEMS to measure SO_2 emissions no later than the date the Unit

has such requirements under this Consent Decree, with the exception that Units at Chattanooga shall be equipped with CEMS by no later than June 30, 2010.

D. PARTICULATE MATTER EMISSIONS LIMIT

Seaford Facility PM Limit

38. If INVISTA selects Option A as described in Paragraph 9, then by no later than May 1, 2009, INVISTA shall: (a) comply with a final PM emission limit of 0.015 lbs/MMBtu at Boilers 1 and 3; and (b) Boilers 1 and 3 shall be equipped with CEMS to measure PM emissions.

E. PROHIBITION ON NETTING CREDITS OR OFFSETS FROM REQUIRED CONTROLS

39. Emission reductions generated by INVISTA to comply with the requirements of this Consent Decree shall not be considered as a creditable contemporaneous emission decrease for the purpose of obtaining a netting credit under the Clean Air Act's Nonattainment NSR and PSD programs.

40. The limitations on the generation and use of netting credits or offsets set forth in the previous Paragraph 39 do not apply to emission reductions achieved by INVISTA Units that are greater than those required under this Consent Decree. For purposes of this Paragraph 40, emission reductions from an INVISTA Unit are greater than those required under this Consent Decree if they result from INVISTA compliance with federally enforceable emission limits that are more stringent than those limits imposed on Units under this Consent Decree and under applicable provisions of the Clean Air Act or the applicable SIP. Nothing in this Consent Decree is intended to preclude the emission reductions generated under this Consent Decree from being considered by DNREC, SCDHEC, CHCAPCB, or EPA as creditable contemporaneous emission decreases for the purpose of attainment demonstrations submitted pursuant to section 110 of the Act, 42 U.S.C. § 7410, or in determining impacts on NAAQS, PSD increment, or air quality related values, including visibility, in a Class I area.

Exception to General Prohibition for Seaford Option B

41. Exception to the General Prohibition against the Use or Generation of Consent Decree Emissions Reductions for Seaford Option B.

a. Notwithstanding the general prohibition set forth in Paragraph 39, INVISTA may use 50 tons per year of NO_x and 50 tons per year of SO_2 from the emissions reductions required by Paragraphs 13 and 33 as credits or offsets in any PSD, major nonattainment and/or minor NSR permit or permit proceeding occurring after the Date of Lodging of the Consent Decree, provided that INVISTA remains in compliance with the requirements of this Consent Decree. Utilization of this exception is subject to the following conditions:

i. This exception is only available in the event INVISTA chooses to

implement Seaford Option B as set forth in Paragraph 9 above;

ii. Under no circumstances shall INVISTA use emissions reductions required by this Consent Decree for netting and/or offsets prior to the time that actual emissions reductions have occurred;

iii. This exception may be used only at the Seaford Facility;

iv. The emissions requirements of this Consent Decree are for purposes of this Consent Decree only and neither INVISTA, nor any other entity, may use emissions reductions required by this Consent Decree for any purpose, including in any subsequent permitting or enforcement proceeding, except as provided herein; and

v. INVISTA still shall be subject to all federal and state regulations applicable to the PSD, major non-attainment and/or minor NSR permitting process.

V. NSPS FLARING DEVICES

42. INVISTA shall Continuously Operate an HCN startup flare at the Orange Facility that will comply with 40 C.F.R. § 60.18 and 40 C.F.R. § 63.11(a) by no later than December 31, 2010, if the final design of the flare calls for replacement of the flare tip or the flare can be reconstructed in three weeks; or (b) by no later than December 31, 2011, if the final design of the flare calls for reconstruction that cannot be completed in three weeks. Until the new flare design is constructed, INVISTA shall implement good air pollution control practices to minimize emissions from the flare.

VI. BENZENE WASTE NESHAP PROGRAM ENHANCEMENTS

43. Summary: As of the Date of Entry, INVISTA's Victoria Facility and Orange Facility have total annual benzene (TAB) amounts above 10 Mg. Upon the Date of Entry, the Victoria and Orange Facilities shall utilize the exemptions set forth in 40 C.F.R. §§ 61.342(c)(2) and (c)(3)(ii) (hereinafter referred to as the "2 Mg Compliance Option") to comply with 40 C.F.R. § 61.342(c).

44. INVISTA shall undertake the measures set forth in this Subsection VI to ensure continuing compliance with 40 C.F.R. Part 61, Subpart FF ("Benzene Waste NESHAP," "BWON," or Subpart FF) and to minimize or eliminate fugitive benzene emissions at the Victoria and Orange Facilities. By no later than December 31, 2010, INVISTA shall elect for each of the Victoria and Orange Facilities one of the following benzene emission reduction options, and shall notify the United States in writing as to which option INVISTA has selected for each Facility. After providing the United States with written notice of its election, INVISTA shall implement the selected option in compliance with the schedule set forth in this Consent Decree.

a. Option A - INVISTA shall install and fully implement a new ADN production technology that is expected to eliminate benzene from the ADN production process as follows: (i) for the first (or only, as applicable) Facility for which this option is elected, by no later than December 31, 2013, and (ii) for the second, if applicable, Facility for which this option is elected, by no later than December 31, 2016. If INVISTA elects to implement this new technology pursuant to this Option A at the Victoria and/or Orange Facility(ies), the other requirements of this Section VI and their corresponding stipulated penalties provisions of this Consent Decree (Subparagraphs 89.i – 89.t) shall not apply to the relevant Facility(ies). Until the new technology referenced above is fully implemented under this Option, INVISTA will continue to comply with the 2 Mg Compliance Option.

b. Option B - INVISTA shall continue to comply with the 2 Mg Compliance Option, and shall undertake the measures set forth in this Section VI to ensure continuing compliance with the Benzene Waste NESHAP, to further address the findings in Appendix C, and to minimize or eliminate fugitive benzene emissions at the relevant Facility.

Orange Facility - Actions to Correct Non-Compliance

45. By no later than December 31, 2012, INVISTA shall Continuously Operate a stripper at the Orange Facility to serve as a "benzene treatment process," for all regulated aqueous waste streams in the ADN Area in compliance with 40 C.F.R. § 61.348.

46. By no later than December 31, 2012, INVISTA shall install one or more vapor combustion device(s) that achieve(s) a 99% benzene destruction efficiency to control emissions from continuous process vents that are currently controlled by the ADN operating flare, excluding the HCN offgas, in the ADN Area and the Promoter Area at the Orange Facility with backup to the existing ADN operating flare or other vapor combustion device. INVISTA shall install at least one knock-out drum for all the common vent headers for the Vapor Combustion Units and operating flares within the ADN Area and Promoter Area at the Orange Facility.

47. By no later than December 31, 2012, INVISTA shall segregate the storm water streams from the process water waste streams in the ADN Area at the Orange Facility. INVISTA shall comply with the requirements of 40 C.F.R. § 61.346 for all regulated components of the process wastewater drain system.

Victoria Facility - Actions to Correct Non-Compliance

48. Within 180 days after Entry Date, INVISTA shall Continuously Operate the benzene flasher, Nitrile Stripper Column, or other benzene treatment process at the Victoria Facility to serve as a "benzene treatment process," for all regulated aqueous waste streams in the ADN area in compliance with 40 C.F.R. § 61.348. The following technologies are acceptable under this Paragraph: thermal oxidizer, hydrolysis column, and benzene stripper. INVISTA may install a benzene treatment process other than those specified in this Paragraph once INVISTA receives the United States' approval in writing prior to the time a contract for its purchase is executed.

49. By no later than December 31, 2012, INVISTA shall install and Continuously Operate one or more vapor combustion device(s) that achieve(s) a 99% benzene destruction efficiency with backup to a flare to control emissions from all continuous process vents, excluding the HCN offgas, from the 311 and ADN Areas at the Victoria Facility that are currently controlled by the ADN operating or the 101 flares. INVISTA shall install at least one knock-out drum for all the common vent headers for the Vapor Combustion Units and operating flares within the ADN Area at the Victoria Facility.

50. By no later than December 31, 2012, INVISTA shall segregate all stormwater streams from the process water streams in the ADN area of the Victoria Facility. INVISTA shall comply with the requirements of 40 C.F.R. § 61.346 for all regulated components of the process wastewater drain system.

51. Testing, Monitoring, and Reporting Requirements for New and Existing Installations. INVISTA shall comply with all applicable Subpart FF testing, monitoring, and reporting requirements set forth in Benzene Waste NESHAP regulations for any new installations or existing installations improved pursuant to Paragraphs 45, 46, 48, and 49. INVISTA shall conduct a test of each such installation following entry of this Decree. INVISTA shall submit these test results to EPA demonstrating that each installation meets the applicable requirements of Subpart FF.

52. Certification of Compliance with the 2 Mg Compliance Option. Within ninety (90) days after Entry, INVISTA shall submit a report to EPA certifying that the Orange and Victoria Facilities comply with the Benzene Waste NESHAP. If additional actions are determined to be necessary to ensure compliance with the 2 Mg Compliance Option, INVISTA will include such actions in its written report.

53. Carbon Canisters. INVISTA shall continue to implement the requirements of this Paragraph at all locations at the Victoria and Orange Facilities where a carbon canister(s) is utilized as a control device under the Benzene Waste NESHAP.

a. Within ninety (90) days after the Entry Date, INVISTA shall insure that installation of primary and secondary carbon canisters has occurred at locations currently utilizing single canisters and shall operate them in series. For any permanent unit, within thirty (30) days following completion of the installation of dual canisters, INVISTA shall submit a report to EPA certifying the completion of the installation. The report shall include: (i) a list of all locations at the Victoria and Orange Facilities where carbon canister systems are used as a control device under Subpart FF; (ii) an indication, for each location, whether there was a pre-existing secondary carbon canister or whether a secondary carbon canister was installed under this Paragraph; (iii) the installation date of each such secondary canister installed under this Paragraph and the date that each secondary canister was put into operation; and (iv) an indication, for each location, whether volatile organic compounds ("VOC") or benzene will be used to monitor for breakthrough under and as required by Subparagraph 53.d.

b. Except as expressly permitted under Subparagraph 53.f, INVISTA shall not use single carbon canisters for any new units or installations at the Victoria or Orange

Facilities.

c. For dual carbon canister systems, "breakthrough" between the primary and secondary canister is defined as any reading equal to or greater than 5 ppm benzene.

d. INVISTA shall continue to monitor for breakthrough between the primary and secondary carbon canisters weekly, or in accordance with the frequency specified in 40 C.F.R. § 61.354(d), whichever is more frequent. This requirement shall commence: (i) upon the Entry Date where dual carbon canisters currently are in service; and (ii) no later than seven days after installation of a new dual carbon canister system.

e. INVISTA shall continue to replace the original primary carbon canister (or route the flow to an appropriate alternative control device) immediately when breakthrough is detected between the primary and secondary canister. The original secondary carbon canister (or a fresh canister) will become the new primary carbon canister and a fresh carbon canister will become the secondary canister. For purposes of this Subparagraph, "immediately" shall mean within twenty-four (24) hours of the detection of a breakthrough for canisters greater than 55 gallons. In lieu of replacing the primary canister immediately, INVISTA may elect to monitor the outlet of the secondary canister beginning on the day the breakthrough between the primary and secondary canister is identified and each calendar day thereafter. This daily monitoring shall continue until the primary canister is replaced. If benzene is detected at the outlet of the secondary canister during this period of daily monitoring, both canisters must be replaced within eight (8) hours of the detection of a breakthrough.

f. Temporary Applications. For a period not longer than forty-five (45) days, INVISTA may utilize properly-sized single canisters for short-term operations such as with temporary storage tanks or as temporary control devices. For canisters 55 gallons or less operated as part of a single canister system, "breakthrough" is defined for purposes of this Consent Decree as any reading of VOC above background or benzene above 1 ppm (whichever is monitored). For canisters greater than 55 gallons, "breakthrough" is defined for purposes of this Consent Decree as any reading of benzene above 10 ppm. Beginning no later than the Entry Date, INVISTA shall monitor for breakthrough from a single carbon canister system once every calendar day that there is actual flow to the carbon canister. INVISTA shall replace the single carbon canister with a fresh carbon canister, discontinue flow, or route the stream to an alternate, appropriate device immediately when breakthrough is detected. For purposes of this Subparagraph, "immediately" shall mean within twenty-four (24) hours. If a single canister has been found to exceed the applicable breakthrough concentration, flow must be discontinued to that canister immediately. Such a spent canister may not be placed back into Benzene Waste NESHAP vapor control service until it has been appropriately regenerated.

g. INVISTA shall continue to maintain a readily-available supply of fresh carbon canisters at all times for the Victoria and Orange Facilities where canisters are used as a control device or shall otherwise ensure that such canisters are readily available to implement the requirements of this Paragraph 53. For purposes of this Paragraph, readily-available shall mean that INVISTA shall maintain a supply of fresh carbon canisters that are available within eight (8) hours for canisters that are 55 gallons or less and with twenty-four (24) hours for carbon

canisters that are greater than 55 gallons.

h. INVISTA shall continue to maintain records associated with the requirements of this Paragraph, including all carbon canister monitoring readings and the constituents being monitored for at least five (5) years after such readings occur.

54. Annual Review. Within sixty (60) days after the Entry Date, INVISTA shall modify, to the extent necessary, its existing written management of change procedures to provide for an annual review of process information for the Victoria and Orange Facilities, including but not limited to construction projects, to ensure that all new benzene waste streams are included in the waste stream inventory. INVISTA shall conduct such reviews on an annual basis.

55. Laboratory Audits. INVISTA shall conduct audits of all laboratories that perform analyses of INVISTA's Benzene Waste NESHAP samples to ensure that proper analytical and quality assurance/quality control procedures are followed for such samples.

a. Within 180 days after the Entry Date, INVISTA shall complete initial audits of half the laboratories used by the Orange and Victoria Facilities, and shall complete the audits for the remaining laboratories within 365 days of the Entry Date. INVISTA shall also audit any new laboratory to be used for analyses of benzene samples from the Orange and Victoria Facilities prior to use of the new laboratory. If INVISTA has completed an audit of any laboratory on or after January 1, 2006, initial audits of those laboratories pursuant to this Subparagraph shall not be required.

b. During the term of this Consent Decree, INVISTA shall conduct subsequent laboratory audits such that each laboratory is audited once every two (2) calendar years.

c. INVISTA may conduct audits itself, retain third parties to conduct these audits, or use audits conducted by others as its own, but the responsibility and obligation to ensure compliance with this Consent Decree, this Paragraph and Subpart FF are solely INVISTA's.

56. Benzene Spills. For any spill at either the Victoria or Orange Facility after the Entry Date, INVISTA shall review the spill to determine if any benzene waste, as defined by Subpart FF, was generated as a result of the spill. INVISTA shall continue to account for all benzene wastes generated through spills that are not managed in controlled equipment, in an enhanced biotreatment unit, or shipped offsite in accordance with 40 C.F.R. §§ 61.342-348 in its annual calculation against the 2 Mg compliance option.

57. Training.

a. Within 90 days after the Entry Date, INVISTA shall develop and implement a program for annual (i.e. once each calendar year) training for all employees who draw benzene samples for Benzene Waste NESHAP purposes.

b. Within 120 days after the Entry Date, INVISTA shall complete the development of standard operating procedures (where they do not already exist) for all control devices and treatment processes used to comply with the Benzene Waste NESHAP at the Victoria and Orange Facilities.

c. Within 180 days after the Entry Date, INVISTA shall complete an initial training program regarding these procedures for all operators assigned to the relevant equipment, if such training has not already been provided. Comparable training shall also be provided to any persons who subsequently become operators, prior to their assumption of this duty. "Refresher" training in these procedures shall be performed on a three-year cycle (i.e., once every three calendar years).

d. INVISTA shall require any contractors hired to perform any of the requirements of this Subsection VI to provide evidence that its employees are properly trained to implement any requirements that they are hired to perform pursuant to Paragraphs 51, 53, 58, 60, and 61 of this Consent Decree.

58. Sampling Under the 2 MG Compliance Option. INVISTA shall conduct quarterly sampling as described by this Paragraph at the Victoria and Orange Facilities for the purpose of calculating quarterly, uncontrolled benzene quantities.

a. Within 180 days after the Entry Date, INVISTA shall submit to EPA for approval a sampling plan for the Victoria and Orange Facilities designed to identify the quarterly benzene quantity in uncontrolled benzene waste streams. That sampling plan shall include, but need not be limited to: (i) proposed sampling locations and methods for flow calculations at the "end of line" of the uncontrolled benzene waste streams; (ii) quarterly sampling of all uncontrolled waste streams that count toward the 2 Mg/yr calculation and contain greater than 0.05 Mg/yr of benzene; (iii) quarterly sampling of all uncontrolled waste streams that qualify for the 10 ppmw exemption (40 C.F.R. § 61.342(c)(2)) and that contain greater than 0.1 Mg/yr of benzene. The Sampling Plans may identify commingled, exempt waste streams for sampling, provided INVISTA demonstrates that the benzene quantity of those commingled streams will not be underestimated. Subparagraph 58.a(i) above shall not apply so long as the configuration of the sewer systems at the Victoria and Orange Facilities are not modified from the 2007 configuration, except as contemplated by Paragraphs 47 and 50.

b. If changes in processes, operations, or other factors lead INVISTA to conclude that its approved Sampling Plan may no longer provide an accurate measure of the Facility's quarterly benzene quantity in uncontrolled benzene waste streams, INVISTA shall submit a revised sampling plan to EPA for approval within 60 days after discovery of an issue under this Paragraph occurs.

c. INVISTA shall commence sampling under its Sampling Plan during the first full calendar quarter following submittal of the Plan, regardless of whether or not the Plan is approved at that time. INVISTA shall take, and have analyzed, at least three representative samples from each identified sampling location. INVISTA shall use the average of all samples taken and the identified flow calculations to determine its quarterly benzene quantity in

uncontrolled waste streams and to estimate a calendar year value for the Facility.

d. After at least eight quarters of sampling under an approved Sampling Plan under this Paragraph 58, INVISTA may submit a report to EPA that requests a change in the monitoring frequency for the Victoria and/or Orange Facilities. If EPA determines, after an opportunity for consultation with INVISTA, that the information presented in the report supports a change in the monitoring frequency for one or more of the facilities, then the monitoring frequency requirement under this Paragraph will be modified in accordance with Paragraph 141 (Modification).

59. Quarterly and Annual Estimations of Uncontrolled Benzene Quantity. At the end of each calendar quarter following commencement of quarterly sampling, INVISTA shall calculate a quarterly uncontrolled benzene quantity and shall estimate a projected calendar year uncontrolled benzene quantity based on the quarterly sampling results and the approved flow calculations. INVISTA shall submit the uncontrolled benzene quantity in the Semi-Annual Reports due under Section XII of this Decree.

60. Corrective Measures.

a. Applicability. If the calculations in Paragraph 59 indicate that the quarterly uncontrolled benzene quantity exceeds 0.5 Megagrams or the projected calendar year uncontrolled benzene quantity exceeds 2.0 Megagrams, INVISTA shall submit in its Semi-Annual Report all relevant information and identify whether any action should be taken to reduce benzene quantities in its waste streams for the remainder of the calendar year. If additional actions are determined to be necessary to ensure compliance with the 2 Mg Compliance Option, INVISTA will include in the Semi-Annual Report, a BWON Corrective Measures Plan as specified in Subparagraph 60.b.

b. BWON Corrective Measures Plan. The BWON Corrective Measures Plan required by this Paragraph shall identify: (i) the cause of the potentially elevated benzene quantities; (ii) all corrective actions that INVISTA has taken or plans to take to ensure that the cause will not recur; and (iii) an appropriate strategy and schedule that INVISTA shall implement to ensure that INVISTA complies with the 2 Mg Compliance Option. If a spill event is the main cause of the potentially elevated benzene quantities, the BWON Corrective Measures Plan will focus on the spill event and on future measures to minimize and address spills. INVISTA shall implement its BWON Corrective Measures Plan in accordance with the schedule provided therein.

c. Third-Party TAB Study and Compliance Review. After a second consecutive quarter in which at least one of the conditions in Subparagraph 60.a continues to exist and INVISTA is not then able to identify the cause(s) and/or appropriate corrective measures to ensure compliance with the 2 Mg Compliance Option, INVISTA shall retain a third-party contractor to undertake a comprehensive TAB study and compliance review ("Third-Party TAB Study and Compliance Review") at the applicable Facility. By no later than the last day of the next following quarter, INVISTA shall submit a proposal to EPA that identifies the contractor, the contractor's scope of work, and the contractor's schedule for the Third-Party TAB

Study and Compliance Review. Unless EPA disapproves or seeks modifications of the proposal within thirty (30) days after its receipt, INVISTA shall authorize the contractor to commence work. INVISTA shall ensure that the work is completed in accordance with the schedule provided therein. No later than thirty (30) days after INVISTA receives the results of the Third-Party TAB Study and Compliance Review, INVISTA shall submit the results to EPA. After the report is submitted to EPA, INVISTA and EPA shall discuss informally the results of the Third-Party TAB Study and Compliance Review. No later than ninety (90) days after INVISTA receives the results of the Third-Party TAB Study and Compliance Review or at such other time as INVISTA and EPA may agree, INVISTA shall submit to EPA a plan and schedule for remedying any deficiencies identified in the Third-Party TAB Study and Compliance Review and any deficiencies that EPA identified following the Third-Party TAB Study and Compliance Review. Unless EPA disapproves or seeks modifications of the proposal within thirty (30) days after its receipt, INVISTA shall implement the remedial plan in accordance with the schedule included in its plan.

61. Miscellaneous Measures

a. By no later than sixty (60) days after the Entry Date, INVISTA shall:

i. Conduct monthly visual inspections of and, if appropriate, refill all Subpart FF water traps within the Orange and Victoria Facilities individual drain systems;

ii. If INVISTA utilizes conservation vents, visually inspect all Subpart FF conservation vents or indicators on process sewers for detectable leaks on a weekly basis, reset any vents where leaks are detected, and record the results of the inspections. After two (2) years of weekly inspections, and based upon an evaluation of the recorded results, INVISTA may submit a request to EPA Region 6 to modify the frequency of the inspections. Alternatively, for conservation vents with indicators that identify whether flow has occurred, INVISTA may elect to visually inspect such indicators on a monthly basis and, if flow is then detected, INVISTA shall then visually inspect that indicator on a weekly basis for four weeks. If flow is detected during any two of those four weeks, INVISTA shall install a carbon canister on that vent until appropriate corrective action(s) can be implemented to prevent such flow. Nothing in this Subparagraph shall require INVISTA to monitor conservation vents on fixed roof tanks.

b. By no later than sixty (60) days after completing the segregation project under Paragraph 47 and 50, INVISTA shall identify and mark at the drain all area drains in the ADN Area that are segregated stormwater drains.

62. Recordkeeping and Reporting Requirements for this Section VI: Outside of the Reports Required under 40 C.F.R. § 61.357 and the Semi-Annual Reports Required by Section

XII (Periodic Reporting). At the times specified in the applicable provisions of this Section VI, INVISTA will submit, as and to the extent required, the following reports to EPA:

a. a certification of compliance under Paragraph 52;

b. a report certifying the completion of installation of dual carbon canisters (under Subparagraph 53.a);

c. a BWON Sampling Plan (under Subparagraph 58.a), and revised BWON Sampling Plan, if necessary (under Subparagraph 58.b).

63. Recordkeeping and Reporting Requirements for this Section VI: As Part of the Semi-Annual Reports Required by Section XII (Periodic Reporting). INVISTA shall submit the following information in the Semi-Annual Reports submitted pursuant to Section XII (Periodic Recordkeeping) for the six month period covered by the Report:

a. An identification of all laboratory audits, if any, completed during the six month period, including a description of the methods used in the audit and the results of the audit;

b. A description of the measures taken, if any, during the six month period to comply with the training provisions of Paragraph 57; and

c. A summary of the sampling results required under Paragraph 58, including the quarterly and projected annual uncontrolled benzene quantities or TAB, as applicable.

VII. LEAK DETECTION AND REPAIR PROGRAM ENHANCEMENTS

64. In order to minimize or eliminate fugitive emissions of volatile organic compounds ("VOCs"), benzene, volatile hazardous air pollutants ("VHAPs"), and organic hazardous air pollutants ("HAPs") from equipment in light liquid and/or in gas/vapor service, INVISTA shall undertake the enhancements identified in this Section VII to its leak detection and repair ("LDAR") programs at the Victoria and Orange Facilities under all applicable federal Clean Air Act, and analogous state and local LDAR requirements.

65. Written LDAR Program Description. By no later than sixty (60) days after the Entry Date, INVISTA shall develop and maintain a written LDAR Program Description for a program for compliance with all federal, state, and local LDAR regulations applicable to the Victoria and Orange Facilities. INVISTA shall update the LDAR Program Description as may be necessary to ensure continuing compliance. The LDAR Program Description shall include, at a minimum:

a. A set of leak rate goals for the Victoria and Orange Facilities that will be a target for achievement on a process-unit-by-process-unit basis. Such targets shall have the purpose of facilitating lower leak rates and are not

intended as enforceable requirements;

b. An identification of all equipment in light liquid and/or in gas/vapor service that is subject to periodic monitoring requirements via 40 C.F.R. Part 60, EPA Reference Test Method 21 under any applicable federal, state, or local LDAR regulation and that has the potential to leak VOCs, HAPs, VHAPs, and benzene within the Victoria and Orange Facilities process units.

c. Procedures for identifying leaking equipment within the Victoria and Orange Facilities process units;

d. Procedures for repairing and keeping track of leaking equipment;

e. Procedures for identifying and including new equipment to be added to the LDAR program;

f. A process for evaluating new and replacement equipment to promote consideration and installation of equipment that will minimize leaks and/or eliminate chronic leakers;

g. A description of the Facility's LDAR monitoring organization and a designation of the person or position responsible for LDAR management who has the authority to implement LDAR improvements at the Facility, as required by Paragraph 67; and

h. A procedure for regularly communicating LDAR information to appropriate INVISTA personnel.

66. Training. INVISTA shall continue to implement its current training program, which includes the following features, and within ninety (90) days of completion of the written LDAR Program Description, INVISTA shall begin to implement a new training program at the Victoria and Orange Facilities which includes the following features:

a. For personnel newly-assigned to LDAR responsibilities, INVISTA shall require LDAR training prior to each employee beginning such work;

b. For all personnel assigned LDAR responsibilities, INVISTA shall provide and require completion of annual LDAR training or require its LDAR contractor to provide such training (initial annual LDAR training for all such personnel will be completed not later than one year after the Entry Date);

c. For all other Facility operations and maintenance personnel (including contract personnel) who have duties relevant to LDAR, INVISTA shall provide and require completion of an initial training program that includes

instruction on aspects of LDAR that are relevant to the person's duties (initial LDAR training for all such personnel will be completed not later than one year after the Entry Date); and

d. For the individuals covered by this Paragraph, "refresher" training in LDAR shall be performed on a cycle of no longer than three years.

67. LDAR Personnel. By no later than 180 days after the Entry Date, INVISTA shall establish a program that holds each person assigned LDAR responsibilities accountable for assuring compliance with LDAR. By no later than ninety (90) days after the Entry Date, INVISTA shall establish and maintain a person or position with responsibility for LDAR management and authority to implement LDAR improvements.

68. LDAR Audits. INVISTA shall implement Facility-wide LDAR Audits – including an Initial LDAR Audit and Regular LDAR Audits – as set forth in this Paragraph to ensure the Victoria and Orange Facilities' compliance with all applicable LDAR requirements. Each LDAR Audit shall include, but shall not be limited to: (i) performing comparative monitoring; (ii) reviewing records to ensure monitoring and repairs were completed in the required periods; (iii) reviewing component identification procedures, tagging procedures, and data management procedures; and (iv) observing LDAR technicians' calibration and monitoring techniques. During each LDAR Audit, leak rates shall be calculated for each process unit where comparative monitoring was performed.

a. Initial LDAR Audit. INVISTA shall retain a third-party contractor to complete an Initial LDAR Audit for the Victoria Facility by no later than December 31, 2009, and for the Orange Facility by no later than June 30, 2010.

b. Initial Audit Report. Within ninety (90) days of completion of each audit, INVISTA shall report to EPA any areas of non-compliance identified as a result of its audit and submit in writing a proposed compliance schedule for correcting the non-compliance. If the proposed compliance schedule extends greater than ninety (90) days beyond the audit completion date, INVISTA must seek approval of the compliance schedule from EPA. INVISTA shall implement the compliance schedule as proposed until the schedule is approved or disapproved by EPA. Within ninety (90) days of completing each audit, INVISTA shall certify to EPA that the facility: is in compliance; has completed related corrective action (if necessary); and/or is on a compliance schedule, and shall specifically certify that all affected equipment has been identified and included in the facility LDAR program. Violations identified in the report of the initial audit conducted pursuant to Subparagraph 68.a and corrected by INVISTA as required in Paragraph 69 shall not be subject to the stipulated penalties in Paragraph 89.

c. Regular LDAR Audits.

i. Third-Party Audits. INVISTA shall retain a contractor to perform a Third-Party LDAR Audit of the Victoria and Orange Facilities' LDAR program at least once every four (4) calendar years after the

Initial LDAR Audit is completed under Subparagraph 68.a (with approximately 48 months between the Audits).

ii. Internal Audits. Internal LDAR Audits of the Victoria and Orange Facilities' LDAR program shall be completed by having an audit performed by personnel familiar with the LDAR program and its requirements. INVISTA shall complete an Internal LDAR Audit by no later than two (2) years from the date of the completion of the third-party audits required in Subparagraphs 68.a and 68.c.i. INVISTA shall perform an internal audit of the Victoria and Orange Facilities' LDAR program at least once every four (4) calendar years (with approximately 48 months between the Audits). INVISTA may elect to retain third-parties to undertake an Internal Audit, provided that a Regular LDAR Audit at the Victoria and Orange Facilities occurs every two (2) years.

iii. Timing. To ensure that an LDAR Audit occurs every two (2) years at the Victoria and Orange Facilities, once the Initial Audit is completed, the remaining Third-Party Audits and Internal Audits shall be separated by not more than two (2) calendar years (with approximately 24 months between the Audits).

69. Implementation of Actions Necessary to Correct Non-Compliance. If the results of any of the LDAR Audits conducted pursuant to Paragraph 68 identify any areas of noncompliance, INVISTA shall implement, as soon as practicable, all steps necessary to correct or otherwise address such area(s) of non-compliance and to prevent, to the extent practicable, a recurrence of the cause of such non-compliance. For purposes of this Paragraph, a ratio of the process unit valve leak percentage, established through a comparative monitoring audit conducted under Paragraph 68 to determine the average valve leak percentage reported for the process unit for the four quarters immediately preceding the audit, in excess of 3.0 shall be deemed a cause for corrective action. If the calculated ratio yields an infinite result, INVISTA shall assume one leaking valve was found in the process unit through its routine monitoring during the four-quarter period. INVISTA shall, during the term of this Consent Decree, retain the Initial Audit Report and all other LDAR Audit reports generated pursuant to Paragraph 68, and shall maintain a written record of all corrective actions that INVISTA takes in response to deficiencies identified in any LDAR Audits. After the completion of any LDAR Audit other than the Initial Audit, INVISTA shall include the following information in the next Semi-Annual Report due under Section XII of this Consent Decree: (a) a summary, including findings, of each such LDAR Audit; and (b) a list of corrective actions taken during the reporting period and any schedule for implementing future corrective actions.

70. Internal Leak Definition for Valves and Pumps. Unless otherwise exempt from monitoring under all applicable regulatory requirements, INVISTA shall continue to utilize the following internal leak definitions for valves and pumps in light liquid and/or gas/vapor service, unless other permit(s), regulations, or laws require the use of lower leak definitions. If INVISTA's compliance with the Consolidated Federal Air Rule ("CAR") at 40 C.F.R. Part 65 is

at least as stringent as the requirements under this Paragraph and compliance with CAR is achieved on or before the deadlines set pursuant to this Paragraph, then compliance with CAR shall constitute compliance with this Paragraph.

a. Leak Definition for Valves. By no later than 365 days after the Entry Date, INVISTA shall utilize an internal leak definition of 500 ppm VOCs for valves that have not been previously subject to this internal leak definition at the Victoria and Orange Facilities, excluding pressure relief devices.

b. Leak Definition for Pumps. By no later than 365 days after the Entry Date, INVISTA shall utilize an internal leak definition of 2000 ppm for centrifugal pumps that have not been previously subject to this internal leak definition at the Victoria and Orange Facilities. Reciprocating pumps, connectors, compressors, and other components shall retain their applicable regulatory leak definition.

71. LDAR Monitoring Frequency. If INVISTA's compliance with CAR (40 C.F.R. Part 65) is at least as stringent as the requirements under this Paragraph and compliance with CAR is achieved on or before the deadlines set pursuant to this Paragraph, then compliance with CAR shall constitute compliance with this Paragraph.

a. Pumps. When the lower internal leak definition for pumps becomes applicable under Subparagraph 70.b, and unless more frequent monitoring is required by applicable LDAR requirements, INVISTA shall monitor pumps at the internal leak definition on a monthly basis.

b. Valves. When the lower internal leak definition for valves becomes applicable under Subparagraph 70.a, and unless more frequent monitoring is required by applicable LDAR requirements, INVISTA shall monitor valves (other than difficult to monitor or unsafe to monitor valves) at the internal leak definition on a quarterly basis, with no ability to skip periods on a process-unit-by-process-unit basis.

72. Reporting, Recording, Tracking, Repairing and Remonitoring Leaks of Valves and Pumps Based on the Internal Leak Definitions. If INVISTA's compliance with CAR (40 C.F.R. Part 65) is at least as stringent as the requirements under this Paragraph and compliance with CAR is achieved on or before the deadlines set pursuant to this Paragraph, then compliance with CAR shall constitute compliance with this Paragraph.

a. Reporting. For regulatory reporting purposes, INVISTA may continue to report leak rates in valves and pumps against the reporting requirements stated in applicable regulations, or may use the lower, internal leak definitions specified in Paragraph 70.

b. Recording, Tracking, Repairing and Remonitoring Leaks. INVISTA shall record, track, repair, and re-monitor all leaks in excess of the internal leak definitions of Paragraph 70 (at such time as those definitions become applicable). Except as provided otherwise in this Section VII, INVISTA shall make a first attempt at repair and remonitor the component within five (5) calendar days after a leak is detected and, if continuing to leak, either

complete repairs and re-monitor leaks or place such component on the Facility's delay of repair list according to Paragraph 77 within thirty (30) days after a leak is detected. All records of repairs, repair attempts, and remonitoring shall be maintained for the life of the Consent Decree.

73. Initial Attempt at Repair on Certain Valves**.** By no later than ninety (90) days after the Date of Entry, INVISTA shall promptly make an "initial attempt" at repair after detecting a leak at a reading greater than 200 ppm of VOCs at any valve, excluding pressure relief devices, control valves, valves that are on the delay of repair list, and components that LDAR personnel are not authorized to repair. INVISTA or its designated contractor shall re-monitor the valve in question within five (5) calendar days after the "initial attempt" to repair. If the remonitored leak reading is below the applicable leak definition, no further action will be necessary. If the re-monitored leak reading is greater than the applicable leak definition, INVISTA shall repair the valve according to the requirements of Subparagraph 72.b, except that no first repair attempt requirement shall apply. If INVISTA can demonstrate with sufficient, statistically significant monitoring data over a period of at least two years that "initial attempts" to repair at 200 ppm worsen or do not improve leak rates, INVISTA may request EPA to reconsider or amend this requirement.

74. Electronic Monitoring, Storing, and Reporting of LDAR Data.

a. Electronic Storing and Reporting of LDAR Data. INVISTA has and shall continue to maintain an electronic database for storing and reporting LDAR data at the Victoria and Orange Facilities.

b. Electronic Data Collection During LDAR Monitoring and Transfer Thereafter. By no later than 180 days after the Entry Date, INVISTA shall use data loggers and/or electronic data collection devices during all LDAR monitoring at the Victoria and Orange Facilities. INVISTA, or its designated contractor, shall use its best efforts to transfer, by the end of the next business day, the electronic data from electronic data logging devices to the electronic database maintained pursuant to Subparagraph 74.a. For all monitoring events in which an electronic data collection device is used, the collected monitoring data shall include a time and date stamp, and identification of the instrument and operator. INVISTA may only use paper logs where necessary or more feasible (e.g., small rounds, re-monitoring, or when data loggers are unavailable or broken, etc.), and shall record, at a minimum, the identity of the technician, the date, the monitoring starting and ending times, all monitoring readings, and an identification of the monitoring equipment. INVISTA shall use its best efforts to transfer any manually recorded monitoring data to the electronic database maintained pursuant to Subparagraph 74.a within seven (7) days of the monitoring event.

75. QA/QC of LDAR Data**.** By no later than 90 days after the Entry Date, INVISTA (or a third-party contractor retained by INVISTA) shall develop and implement procedures for quality assurance/quality control ("QA/QC") reviews of all data generated by LDAR monitoring technicians. INVISTA shall ensure that monitoring data provided by monitoring technicians is reviewed daily for QA/QC. At least once per calendar quarter, INVISTA shall perform a QA/QC review of each contractor's monitoring data which shall include, but not be limited to, a review of: (i) the number of components monitored per technician; (ii) the time between

monitoring events; and (iii) abnormal data patterns.

76. Calibration/Calibration Drift Assessment**.**

a. Calibration. INVISTA shall conduct all calibrations of LDAR monitoring equipment at the Victoria and Orange Facilities using methane as the calibration gas, and in accordance with 40 C.F.R. Part 60, EPA Reference Test Method 21.

b. Calibration Drift Assessment. By no later than 365 days after the Entry Date, INVISTA shall conduct calibration drift assessment re-checks of the LDAR monitoring equipment at least at the end of each day and anytime a machine shuts off. INVISTA shall conduct the calibration drift assessment re-check using a calibration gas with a concentration approximately equal to the applicable internal leak definition for the life of this Consent Decree as defined in Section XXVII (Termination of Consent Decree). If any calibration drift assessment after the initial calibration shows a negative drift of more than 10% from the previous calibration, INVISTA shall remonitor all valves that were monitored since the last calibration or calibration drift assessment that had a reading greater than 200 ppm and shall remonitor all pumps that were monitored since the last calibration or calibration drift assessment that had a reading greater than 500 ppm.

77. Delay of Repair.

a. By no later than ninety (90) days after the Entry Date, INVISTA shall take the following actions for any equipment at the Victoria and Orange Facilities that INVISTA intends to place on the "delay of repair" list, under applicable regulations:

i. INVISTA shall require sign-off by the unit supervisor within thirty (30) days of identifying that a piece of equipment is leaking at a rate greater than the applicable leak definition and that such equipment qualifies for delayed repair under applicable regulations;

ii. INVISTA shall include equipment that is placed on the "delay of repair" list in INVISTA's regular LDAR monitoring;

iii. INVISTA shall use its best efforts to isolate and repair centrifugal pumps identified as leaking at a rate of 2,000 ppm or greater; and

iv. Beginning no later than six (6) months from the Date of Lodging of the Consent Decree, on valves subject to the LDAR Regulations, other than control valves and pressure relief valves, that are leaking at a rate of 10,000 ppm or greater, INVISTA will use a "drill and tap" or equivalent method for fixing such leaking valves, unless INVISTA can demonstrate that there is a safety, mechanical, or adverse environmental concern posed by attempting to repair the leak in this manner. INVISTA will perform the first

"drill and tap" (or equivalent repair method) within fifteen (15) days, and a second attempt (if necessary) within thirty (30) days after the leak is detected. If a new method develops for repairing such valves, INVISTA will advise EPA prior to implementing the use of such new method in place of drill and tap for repairs required under this Decree.

78. Chronic Leakers. A valve shall be classified as a "chronic leaker" under this Paragraph if it leaks above 5,000 ppm twice in any consecutive four (4) quarters after the Entry Date, unless the valve has not leaked in the twelve (12) consecutive quarters prior to the relevant process unit turnaround. Following the identification of a "chronic leaker" non-control valve, INVISTA shall replace, repack, or perform similarly effective repairs on the chronic leaker during the next process unit turnaround.

79. Alternate Leak Detection Method. As an alternative to the LDAR requirements outlined in Paragraphs 75 and 76 above, INVISTA may begin using an alternate leak detection method – such as a method employing "Smart LDAR" technology – within one year of Entry Date.

80. Recordkeeping and Reporting Requirements for this Section.

a. In the Semi-Annual Reports submitted by INVISTA pursuant to Section XII (Periodic Reporting), INVISTA shall include the following information in the Report for the period in which the identified activity occurred or was required:

i. A copy of the LDAR Program Description under Paragraph 65;

ii. A certification that the training program has been implemented as required by Paragraph 66;

iii. An identification of the person or position responsible for LDAR performance as required by Paragraph 67;

iv. A certification that the lower leak definitions and increased monitoring frequencies have been implemented according to Paragraphs 70 and 71;

v. A certification of the implementation of the "initial attempt" to repair program under Paragraph 73;

vi. A certification of the implementation of QA/QC procedures for review of data generated by LDAR technicians as required by Paragraph 75;

vii. A certification of the implementation of the calibration drift assessment procedures of Paragraph 76;

viii. A certification of the implementation of the "delay of repair" procedures of Paragraph 77;

ix. A list of the process units monitored during the reporting period;

x. The number of valves and pumps present in each process unit;

xi. The number of valves and pumps monitored in each process unit;

xii. The number of valves and pumps found leaking for each process unit;

xiii. The number of "difficult to monitor" pieces of equipment monitored;

xiv. The projected month and year of the next monitoring event for that unit;

xv. A list of all equipment currently on the "delay of repair" list and the date each component was placed on the list;

xvi. The number of repairs not attempted within five (5) days and thirty (30) days pursuant to Subparagraph 72.b;

xvii. The number of initial attempts at repair not made promptly and remonitored within five (5) days pursuant to Paragraph 73;

xviii. The number of repairs not completed at the next process unit turnaround pursuant to Paragraph 78; and

xix. The number of repairs not completed within fifteen (15) days and thirty (30) days under Subparagraph 77.a.iv.

b. Special Requirement for Initial Semi-Annual Report Each Year. As part of the first Semi-Annual Report submitted each year pursuant to Section XII (Periodic Reporting), INVISTA shall identify each LDAR Audit that was conducted under Paragraph 68 in the previous calendar year, including an identification of the auditors, a summary of the audit results, and the actions that INVISTA took or intends to take to correct identified deficiencies.

VIII. RESOLUTION OF CLAIMS

81. Claims Based on Violations in Appendix A. Entry of this Consent Decree shall resolve INVISTA's civil and administrative liability to the Plaintiffs for the alleged violations specified in Appendix A.

82. Claims Based on Violations in Appendix B. Satisfaction of the requirements in Sections IV and V of this Consent Decree shall resolve INVISTA's civil and administrative liability to the Plaintiffs for NNSR/PSD or NSPS claims, as applicable, arising out of the alleged violations specified in Appendix B. Notwithstanding the resolution of liability in this Paragraph, the release of liability by the Plaintiffs to INVISTA for claims arising out of the alleged violations specified in Appendix B shall be rendered void if INVISTA materially fails to comply with the obligations and requirements of Section IV (relating to NNSR/PSD Requirements) or Section V (relating to NSPS Flaring Devices) of this Consent Decree; provided, however, that the release in this Paragraph shall not be rendered void if INVISTA remedies such failure and pays any stipulated penalties due as a result of such material failure.

83. Claims Based on BWON and LDAR Violations. Satisfaction of the requirements in Section VI and VII of this Consent Decree shall resolve INVISTA's civil and administrative liability to the Plaintiffs for (1) BWON and LDAR claims arising out of the alleged violations specified in Appendix C and (2) violations of federal or federally-enforceable state or local LDAR requirements applicable to the Victoria and Orange facilities that commence prior to the Date of Lodging, provided that the events giving rise to such violations are identified by INVISTA in its initial third party audit reports submitted pursuant to Paragraph 68.b and corrected by INVISTA as required under Paragraph 69. Notwithstanding the resolution of liability in this Paragraph, the releases of liability by the Plaintiffs to INVISTA for claims arising out of the alleged violations specified in Appendix C or identified in the Paragraph 68.b initial audit report shall be rendered void if INVISTA materially fails to comply with the obligations and requirements of Sections VI and VII (relating to BWON and LDAR Requirements) of this Consent Decree; provided, however, that the releases in this Paragraph shall not be rendered void if INVISTA remedies such failure and pays any stipulated penalties due as a result of such material failure.

84. Nothing in this Consent Decree is intended nor shall be construed as a waiver by EPA, the United States or of any of the Plaintiffs of its right to institute an administrative or civil action against INVISTA for any past, present, or future civil violations of any statutes, rules or regulations other than for those violations listed in Appendix A, B, or C. Nothing in this Consent Decree is intended nor shall be construed to operate in any way to resolve any criminal liability of INVISTA. Except as otherwise provided in Paragraphs 81-83, INVISTA's compliance with this Consent Decree shall be no defense in law or equity to any action commenced by the Plaintiffs pursuant to any federal, state or local law, regulation, or permit.

85. The United States', DNREC's, SCDHEC's and the CHCAPCB's agreement to the terms of this Consent Decree is expressly conditioned on the completeness, accuracy and truth of INVISTA's certifications set forth in Subparagraphs 97.a through 97.h of this Consent Decree. In the event that INVISTA has made any material misrepresentations or omissions in any Subparagraph 97.a through 97.h of this Consent Decree:

a. The Resolution of Claims in Paragraphs 81-83 shall be jointly voidable by action of the United States and the Applicable Co-Plaintiff, except that any civil penalty or stipulated penalty payments already made by INVISTA under this Consent Decree shall be forfeited by INVISTA; and

b. The Plaintiffs may pursue all civil and criminal remedies and sanctions available to them under law on account of Defendant's violations, including criminal prosecution for perjury or false swearing.

86. In the event that INVISTA has made a nonmaterial misrepresentation or omission in any Subparagraph 97.a through 97.h then the Resolution of Claims in Paragraphs 81-83 shall be jointly voidable by action of the United States and the Applicable Co-Plaintiff solely with respect to the violations to which such nonmaterial misrepresentation related, but not voidable in their entirety.

IX. PAYMENT OF CIVIL PENALTIES

87. Within thirty (30) days after Date of Entry of this Consent Decree, INVISTA shall pay to the Plaintiffs a civil penalty totaling $1,700,000 dollars in accordance with Subparagraphs 87.a – 87.f below, in settlement of the civil violations alleged in the Plaintiffs' Complaints.

a. INVISTA shall pay the amount of $850,000 to the U.S. Treasury. Such payment shall be made by EFT to the U.S. Department of Justice lockbox bank in accordance with instructions provided by the United States to INVISTA upon execution of the Consent Decree, and shall reference USAO File Number _____ and DOJ Case Number 90-5-2-1-08892. Any such EFT received at that lockbox bank after 11:00 a.m. (Eastern Time) will be credited on the following business day.

b. INVISTA shall pay the amount of $500,000 to DNREC.

c. INVISTA shall pay the amount of $250,000 to SCDHEC.

d. INVISTA shall pay the amount of $100,000 to the CHCAPCB.

e. INVISTA shall pay any amounts due to DNREC, SCDHEC, or the CHCAPCB by certified or corporate check payable to that entity and sent by first-class mail to the first person listed under the Notice section (Section XVIII) below.

f. INVISTA shall send notice to the United States that payment has been made in accordance with Section XVIII of this Consent Decree (Notices).

88. INVISTA shall not deduct any penalties paid under this Decree pursuant to this Section or Section X (Stipulated Penalties) in calculating its federal or State income taxes.

X. STIPULATED PENALTIES / VIOLATION OF CONSENT DECREE

89. For any failure by INVISTA to comply with the terms of this Consent Decree, and subject to the provisions of Sections XIV (Force Majeure) and XV (Dispute Resolution), INVISTA shall pay, within thirty (30) days after receipt of written demand to INVISTA, the following stipulated penalties to the United States and/or the Applicable Co-Plaintiff:

Consent Decree Violation	**Stipulated Penalty (Per day per violation, unless otherwise specified)**
a. Failure to pay the civil penalty as specified in Section IX (Payment of Civil Penalties) of this Consent Decree	$10,000
b. Failure to comply with any applicable 3-Hour Rolling Average, 24-Hour Rolling Average Emissions Rate, 30-Day Emissions Rate, 30-Day Rolling Tonnage	$100 for each 3-hour limit exceeded; $1,000 for each 24-hour limit exceeded; and $1,500 for each 30-day limit exceeded.
c. Failure to comply with any applicable 12-Month Rolling Average Emission Rate or 12-Month Rolling Tonnage.	$5,000 for each ton exceeding the limit up to 100 tons; $10,000 for each ton exceeding 100 tons above the limit
d. Failure to install, commence operation, or Continuously Operate the NO_x or SO_2 control devices on any Unit, or failure to retire a Unit	$5,000 during the first 30 days, $7,000 for 31st through 60th day; and $10,000 thereafter or an amount equal to 1.2 times the economic benefit of non-compliance (as defined below in Paragraph 91), whichever is greater
e. Failure to comply with the fuel limitations at a Unit, as required by Paragraphs 31-36	$1,750 during the first 30 days, $5,000, or an amount equal to 1.2 times the economic benefit of non-compliance (as defined below in Paragraph 91), whichever is greater
f. Failure to install or operate CEMS as required in Paragraph 26, 37, or 38	$1,000
g. Failure to apply for any permit required by Section XVI	$1,000
h. Failure to install and fully implement new ADN technology as required by Paragraph 44.a, if applicable	$7,500 per month
i. Failure to complete any action to correct noncompliance as required by Paragraphs 45, 47-48, or 50	$7,500 per month
j. Failure to timely install Benzene NESHAP controls required by Paragraph 46 or 49	$1,000
k. Failure to timely install or replace carbon canisters as required by Paragraph 53	$1,000
l. Failure to maintain the records or materials required by Section VI of this Decree	$2,000
m. Failure to establish an annual review	$2,500 per month

program to identify new benzene waste streams as required by Paragraph 54	
n. Failure to perform laboratory audits as required by Paragraph 55	$5,000 per month
o. Failure to implement training measures specified in Paragraph 57	$10,000 per quarter
p. Failure to conduct sampling in accordance with the sampling plans required in Paragraph 58	- $2,500 per week per stream - $15,000 per quarter per stream, whichever is greater, but not to exceed $150,000 per quarter per facility
q. Failure to identify/mark segregated stormwater drains as required by Paragraph 61.b	$1,000 per drain per week
r. Failure to monitor conservation vents or oil-water separators as required by Paragraph 61.a.ii	$1,000 per month
s. Failure to deliver written deliverables as specified in Paragraph 62 or 63	$1,000 per week
t. If it is discovered by an EPA or state investigator or inspector, or their agent, that INVISTA failed to include all benzene waste streams in its TAB, for each waste stream:	- $250 for streams less than 0.03Mg/yr - $1000 for streams between 0.03 and 0.5Mg/yr - $5,000 for streams greater than 0.5Mg/yr
u. Failure to timely develop an LDAR program as required by Paragraph 65	$3,500 per week
v. Failure to timely implement a training program as required by Paragraph 66	$10,000 per month
w. Failure to conduct any audits as required by Paragraph 68	$5,000 per month per audit
x. Failure to perform monitoring utilizing the lower internal leak rate definitions in Subparagraph 70(a) and (b) or to repair and remonitor leaks in accordance with Paragraph 72	$100 per component, but not greater than $10,000 per month per process unit
y. Failure to implement the initial attempt at repair program in Paragraph 73	$100 per component, but not greater than $10,000 per month per facility
z. Failure to implement the quarterly QA/QC procedures described in Paragraph 75	$10,000 per month per facility
aa. Failure to implement and comply with the LDAR monitoring program in the Written LDAR Program Description under Paragraph 65.	$100 per component but not greater than $10,000 per month per facility
bb. If it is determined through a federal, state or local investigation that INVISTA	

failed to include all valves and pumps in its LDAR program, INVISTA shall pay $2000 for those it failed to include. If INVISTA discovers it has failed to include all valves and pumps in its LDAR program, it shall pay $75 per component that it failed to include.	
cc. Failure to timely submit, modify, or implement, as approved, the reports, plans, studies, analyses, protocols, or other submittals required by this Consent Decree, except as otherwise specified in this Paragraph 89, above.	$750 during the first ten days, $1,000 thereafter

90. Violation of an emissions limit based on a 3-Hour Rolling Average basis is a violation for each 3-hour period during which the specified limit is exceeded. Violation of a 24-Hour Rolling Average or a 30-Day Rolling Average is a violation for each calendar day on which the average exceeds the specified limit. Violation of 12-Month Rolling Tonnages is a violation for each calendar month during which the average exceeds the limit.

91. For those provisions where a stipulated penalty of either a fixed amount or 1.2 times the economic benefit of non-compliance is available, the decision of which alternative to seek shall rest exclusively within the discretion of the EPA and the Applicable Co-Plaintiff. For purposes of this Section X, the term "economic benefit of non-compliance" means the economic benefit accrued from delaying a capital investment, delaying a one-time expenditure, and avoiding recurring costs (such as operation and maintenance costs) over the period of non-compliance. The overall "economic benefit of non-compliance" will be calculated based on the total number of days of non-compliance, and will be multiplied by 1.2 to compute the total stipulated penalty amount under a particular provision of this Section X. That total stipulated penalty amount will be assessed for the full period of non-compliance, and will not be assessed "per day." In no event shall any stipulated penalty assessed against INVISTA exceed $37,500 (or any inflation-adjusted increase in that maximum penalty amount set pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1996) per day for any individual violation of this Consent Decree.

92. All stipulated penalties shall begin to accrue on the day after the performance is due or on the day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases. Where a single event triggers more than one stipulated penalties provision in this Consent Decree, only the provision providing for the higher stipulated penalty shall apply, and that stipulated penalty is accrued for each day of violation unless otherwise specified in Paragraph 89.

93. INVISTA shall pay all stipulated penalties to the United States and the Applicable Co-Plaintiffs within sixty (60) days of receipt of written demand to INVISTA from the United States and/or the Applicable Co-Plaintiff, and shall continue to make such payments every thirty (30) days thereafter until the violation(s) no longer continues, unless INVISTA elects within

thirty (30) days of receipt of written demand to INVISTA from the United States and/or the Applicable Co-Plaintiff to dispute the accrual of stipulated penalties in accordance with the provisions in Section XVI (Dispute Resolution) of this Consent Decree. A demand from either the United States or an Applicable Co-Plaintiff shall be deemed a demand from both, but the United States and the Applicable Co-Plaintiff shall consult with each other prior to making a demand. A demand for the payment of stipulated penalties will identify the particular violation(s) to which the stipulated penalty relates, the stipulated penalty amount that the United States or the Applicable Co-Plaintiff is demanding for each violation (as can be best estimated), the calculation method underlying the demand, and the grounds upon which the demand is based. After consultation with each other, the United States and the Applicable Co-Plaintiff may, in their unreviewable discretion, waive payment of all or any portion of stipulated penalties that may accrue under this Consent Decree. Stipulated penalties shall be paid to the United States and Applicable Co-Plaintiff in the following manner:

a. Stipulated penalties owed by INVISTA shall be paid 50% to the United States and 50% to the Applicable Co-Plaintiff. If there is no Applicable Co-Plaintiff, stipulated penalties owed by INVISTA shall be paid 100% to the United States. Stipulated penalties owing to the United States of under $10,000 will be paid by check and made payable to "U.S. Department of Justice," referencing DOJ Case Number 90-5-2-1-08892 and USAO File Number _____, and delivered to the U.S. Attorney's Office. Stipulated penalties owing to the United States of $10,000 or more and stipulated penalties owing to an Applicable Co-Plaintiff will be paid in the manner set forth in Section IX (Payment of Civil Penalties) of this Consent Decree.

94. Should INVISTA dispute the United States' and/or an Applicable Co-Plaintiff's demand for all or part of a stipulated penalty, it may avoid liability for failure to pay a stipulated penalty by placing the disputed amount demanded in a commercial escrow account pending resolution of the matter and by invoking the dispute resolution provisions of Section XV within the time provided in Paragraph 93 for the payment of stipulated penalties. If the dispute is thereafter resolved in INVISTA's favor, the escrowed amount plus accrued interest shall be returned to INVISTA: otherwise, the United States and the Applicable Co-Plaintiff shall be entitled to the amount that was due by the Court, plus the interest that has accrued in the escrow account on such amount. Such payment shall be made according to the following schedule:

a. If the dispute is resolved by agreement, or by a decision of Plaintiffs pursuant to Section XV (Dispute Resolution) of this Consent Decree that is not appealed to the Court, accrued stipulated penalties agreed or determined to be owed, together with accrued interest, shall be paid within thirty (30) days of the effective date of the agreement or of INVISTA's receipt of EPA's decision;

b. If the dispute is appealed to the Court and Plaintiffs prevail in whole or in part, INVISTA shall, within sixty (60) days of receipt of the Court's decision or order, pay all accrued stipulated penalties determined by the Court to be owed, together with accrued interest, except as provided in Subparagraph 94.c.;

c. If the Court's decision is appealed by either Party and the Plaintiffs prevail in whole or in part, INVISTA shall, within fifteen (15) days of receipt of the final appellate court decision, pay all accrued stipulated penalties determined to be owed, together with accrued interest.

d. For purposes of this Paragraph, the accrued stipulated penalties agreed by the Parties, or determined by the Plaintiffs through Dispute Resolution, to be owing may be less than the stipulated penalty amounts set forth in Paragraph 89.

95. Should INVISTA fail to pay stipulated penalties in compliance with the terms of this Consent Decree, the Plaintiffs shall be entitled to collect interest on such penalties, as provided for in 28 U.S.C. § 1961.

96. In cases where a violation of this Consent Decree is also a violation that provides a basis for potential recovery of civil penalties under the Clean Air Act and its implementing federal, state, or local regulations, the United States and Applicable Co-Plaintiff will elect between seeking stipulated penalties under this Consent Decree and commencing a new action for civil penalties under such laws. Notwithstanding the foregoing, the United States and the Applicable Co-Plaintiffs reserve the right to pursue any other non-monetary remedies to which they are legally entitled.

XI. INVISTA'S CERTIFICATIONS

97. INVISTA certifies as true to the best of its knowledge and belief, after a reasonable inquiry, each of the factual assertions set forth in the following Subparagraphs 97.a through 97.h regarding the subject violations set forth in Appendix A attached to both this Decree and the United States' Complaint:

a. INVISTA discovered the subject violations through an environmental audit or through a compliance management system reflecting its due diligence;

b. INVISTA either disclosed the subject violations to or entered into the audit agreement with EPA prior to discovering such violations through a monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement;

c. INVISTA disclosed the subject violations promptly and in writing;

d. INVISTA disclosed the subject violations to EPA prior to the commencement of a federal, state, or local inspection or investigation, notice of a citizen suit, filing of a complaint of a third party, reporting of the subject violations to EPA (or other government agency) by a "whistle blower" employee, or imminent discovery by a regulatory agency;

e. INVISTA has corrected the subject violations in Appendix A and is, to the best of its knowledge and belief, in full compliance with the Environmental Requirements with respect to the subject violations of such Environmental Requirements as set forth in Appendix A at the Acquired Facilities that INVISTA currently owns;

f. INVISTA has taken appropriate steps to prevent a recurrence of the subject violations;

g. INVISTA has owned and operated the Acquired Facilities since April 30, 2004. For the period beginning April 30, 2004, through August 2004, INVISTA did not receive notice from the government of any of the violations (or closely related violations) identified in Appendices A, B, and C. For the purposes of this Subparagraph g., a violation is:

i. any violation of federal, state, or local environmental law identified in a judicial or administrative order, consent agreement or order, complaint, or notice of violation, conviction or plea agreement; or

ii. any act or omission for which the regulated entity has previously received penalty mitigation from EPA or a state or local agency; and

h. INVISTA cooperated as requested by EPA and provided information necessary and requested by EPA to determine applicability of the Audit Policy.

XII. PERIODIC REPORTING

98. Within 180 days after each date established by Section IV of this Consent Decree for INVISTA to achieve and maintain a certain Emission Rate and/or Removal Efficiency at any Unit, except those Units that are not required to install pollution control equipment pursuant to this Consent Decree, INVISTA shall conduct a performance test that demonstrates compliance with the Emission Rate and/or Removal Efficiency required by this Consent Decree. Within forty-five (45) days of each such performance test, INVISTA shall submit the results of the performance test to EPA and the Permitting Authority at the addresses specified in Section XVIII (Notices) of this Consent Decree.

99. In addition to any other express reporting requirement in this Consent Decree, INVISTA shall submit to EPA and the applicable Permitting Authority a semi-annual progress report beginning July 31, 2009 for the period between Entry Date and June 30, 2009, and continuing semi-annually thereafter.

100. The progress report shall contain the following information:

a. a progress report on the implementation of the requirements of Sections IV-VII above;

b. all information relating to emission allowances and credits that INVISTA claims to have generated in accordance with Paragraph 40 by compliance beyond the requirements of this Consent Decree;

c. a summary of the emissions data, including a separate identification of any exceedance(s) of Consent Decree emission limitations or standards for the Acquired Facilities set forth or established pursuant to Sections IV, VI, and VII of this Consent Decree for that time period; and

d. a description of any problems anticipated with respect to meeting the requirements of Sections IV - VII of this Consent Decree.

101. In any periodic progress report submitted pursuant to this Section, INVISTA may incorporate by reference information previously submitted under its Title V permitting requirements, provided that INVISTA attaches the Title V permit report and provides a specific reference to the provisions of the Title V permit report that are responsive to the information required in the periodic progress report.

102. Each INVISTA progress report shall be signed by INVISTA's Environment Health and Safety Director, or, in his or her absence, a higher ranking official, and shall contain the following certification:

> This information was prepared either by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my evaluation, or the direction and my inquiry of the person(s) who manage the system or the person(s) directly responsible for gathering the information, I hereby certify under penalty of law that, to the best of my knowledge and belief, this information is true, accurate, and complete. I understand that there are significant penalties for submitting false, inaccurate, or incomplete information to the United States.

XIII. REVIEW AND APPROVAL OF SUBMITTALS

103. INVISTA shall submit each plan, report, or other submission to EPA and the Applicable Co-Plaintiff whenever such a document is required to be submitted for review or approval pursuant to this Consent Decree. EPA and the Applicable Co-Plaintiff may approve the submittal or decline to approve it and provide written comments explaining the basis for declining such approval as soon as reasonably practicable. Such Plaintiffs will endeavor to coordinate their comments into one document when explaining their basis for declining such approval. Within sixty (60) days of receiving written comments from EPA and the Applicable Co-Plaintiff, INVISTA shall either: (a) revise the submittal consistent with the written comments and provide the revised submittal for final approval to EPA and the Applicable Co-Plaintiff; or

(b) submit the matter for dispute resolution, including the period of informal negotiations, under Section XVI (Dispute Resolution) of this Consent Decree.

104. Upon receipt of Plaintiff's (or Plaintiffs') final approval of the submittal, or upon completion of the submittal pursuant to dispute resolution, INVISTA shall implement the approved submittal in accordance with the schedule specified therein.

XIV. FORCE MAJEURE

105. For purposes of this Consent Decree, a "Force Majeure Event" shall mean an event that has been or will be caused by circumstances beyond the control of INVISTA, its contractors, or any entity controlled by INVISTA that delays compliance with any provision of this Consent Decree or causes a violation of any provision of this Consent Decree despite INVISTA's best efforts to fulfill the obligation. "Best efforts to fulfill the obligation" include using best efforts to anticipate any potential Force Majeure Event and to address the effects of any such event (a) as it is occurring and (b) after it has occurred, such that the delay or violation is minimized. "Force Majeure" does not include INVISTA's financial inability to perform any obligation under this Consent Decree.

106. Notice of Force Majeure Events. If any event occurs or fails to occur that may delay compliance with or cause a violation of any obligation under this Consent Decree, as to which INVISTA intends to assert a claim of Force Majeure, INVISTA shall notify the United States and Permitting Authority in writing as soon as practicable, but in no event later than twenty (20) business days following the date INVISTA knew or should have known of the event. In this notice, INVISTA shall reference this Paragraph 106 of this Consent Decree and describe the anticipated length of time that the delay or violation may persist, the cause or causes of the delay or violation, all measures taken or to be taken by INVISTA to prevent or minimize the delay or violation, the schedule by which INVISTA proposes to implement those measures, and INVISTA's rationale for attributing a delay or violation to a Force Majeure Event. INVISTA shall adopt all reasonable measures to avoid or minimize such delays or violations. INVISTA shall be deemed to know of any circumstance which INVISTA, its contractors, or any entity controlled by INVISTA knew.

107. Failure to Give Notice. If INVISTA fails to materially comply with the notice requirements of this Section, the Plaintiffs may void INVISTA's claim for Force Majeure as to the specific event for which INVISTA has failed to comply with such notice requirement.

108. Plaintiffs' Response. The United States, after an opportunity for consultation with the Applicable Co-Plaintiff, shall notify INVISTA in writing regarding INVISTA's claim of Force Majeure within twenty (20) business days of receipt of the notice provided under Paragraph 105. If the Plaintiffs agree that a delay in or an impediment to performance has been or will be caused by a Force Majeure Event, the Parties shall stipulate to an extension of deadline(s) for performance of the affected compliance requirement(s) by a period not to exceed

the delay actually caused by the event. In such circumstances, an appropriate modification shall be made pursuant to Section XXII (Modification) of this Consent Decree.

109. Disagreement. If the Plaintiffs do not accept INVISTA's claim of Force Majeure, or if the Parties cannot agree on the length of the delay actually caused by the Force Majeure Event, the matter shall be resolved in accordance with Section XV (Dispute Resolution) of this Consent Decree.

110. Burden of Proof. In any dispute regarding Force Majeure, INVISTA shall bear the burden of proving that any delay in performance or any other violation of any requirement of this Consent Decree was caused by or will be caused by a Force Majeure Event. INVISTA shall also bear the burden of proving that INVISTA materially complied with the notice requirements of this Section and the burden of proving the anticipated duration and extent of any delay(s) attributable to a Force Majeure Event. An extension of one compliance date based on a particular event may, but does not necessarily, result in an extension of a subsequent compliance date.

111. Events Excluded. Unanticipated or increased costs or expenses associated with the performance of INVISTA's obligations under this Consent Decree shall not constitute a Force Majeure Event.

112. Potential Force Majeure Events. The Parties agree that, depending upon the circumstances related to an event and INVISTA's response to such circumstances, the kinds of events listed below are among those that could qualify as force majeure within the meaning of this Section: construction, labor, or equipment delays; Malfunction of a Unit or emission control device; unanticipated fuel supply or pollution control reagent/catalyst delivery interruptions; acts of God; and acts of war or terrorism. Depending upon the circumstances and Defendants' response to such circumstances, failure of a permitting authority to issue a necessary permit in a timely fashion may constitute force majeure where the failure of the permitting authority to act is beyond the control of INVISTA and INVISTA has taken all steps available to it to obtain the necessary permit, including, but not limited to: submitting a complete permit application; responding to requests for additional information by the permitting authority in a timely fashion; and accepting lawful permit terms and conditions. As part of the resolution of any matter submitted to this Court under Section XV (Dispute Resolution) of this Consent Decree regarding a claim of Force Majeure, the Parties by agreement, or this Court by order, may in appropriate circumstances extend or modify the schedule for completion of work under this Consent Decree to account for the delay in the work that occurred as a result of any delay or impediment to performance agreed to by the United States and the Applicable Co-Plaintiff and approved by the Court. INVISTA shall be liable for stipulated penalties for its failure thereafter to complete the work in accordance with the extended or modified schedule.

XV. DISPUTE RESOLUTION

113. In the event that the United States and the applicable Permitting Authority make differing determinations or take differing actions that affect INVISTA's rights or obligations under this Consent Decree, the final decision of the United States shall be binding.

114. The dispute resolution procedure required herein shall be invoked by one Party giving written notice to the other Parties advising of a dispute pursuant to this Section. The notice shall describe the nature of the dispute and shall state the noticing Party's position with regard to such dispute. The Party receiving such a notice shall acknowledge receipt of the notice, and the Parties in dispute shall expeditiously schedule a meeting to discuss the dispute informally not later than fourteen (14) days following receipt of such notice.

115. Disputes submitted to dispute resolution under this Section shall, in the first instance, be the subject of informal negotiations among the disputing Parties. Such period of informal negotiations shall not extend beyond thirty (30) calendar days from the date of the first meeting among the disputing Parties' representatives unless they agree in writing to shorten or extend this period. During the informal negotiations period, the disputing Parties may also submit their dispute to a mutually agreed-upon non-binding alternative dispute resolution (ADR) forum if the Parties agree that the ADR activities can be completed within the 30-day informal negotiations period (or such longer period as the Parties may agree to in writing).

116. If the disputing Parties are unable to reach agreement during the informal negotiation period, the Plaintiffs shall provide INVISTA with a written summary of their position regarding the dispute. The written position provided by the Plaintiffs shall be considered binding unless, within forty-five (45) calendar days thereafter, INVISTA seeks judicial resolution of the dispute by filing a petition with this Court. The Plaintiffs may respond to the petition within forty-five (45) calendar days of filing.

117. Where the nature of the dispute is such that a more timely resolution of the issue is required, the time periods set out in this Section may be shortened by the Court upon motion of one of the Parties to the dispute.

118. As part of the resolution of any dispute under this Section, in appropriate circumstances the disputing Parties may agree, or this Court may order, an extension or modification of the schedule for the completion of the activities required under this Consent Decree to account for the delay that occurred as a result of dispute resolution. INVISTA shall be liable for stipulated penalties for its failure thereafter to complete the work in accordance with the extended or modified schedule, provided that INVISTA shall not be precluded from asserting that a Force Majeure Event has caused or may cause a delay in complying with the extended or modified schedule.

119. The Court shall decide all disputes pursuant to applicable principles of law for resolving such disputes. In their initial filings with the Court under Paragraph 116, the disputing

Parties shall state their respective positions as to the applicable standard of law for resolving the particular dispute.

120. The Court shall not draw any inferences nor establish any presumptions adverse to any disputing Party as a result of invocation of this Section or the disputing Parties' inability to reach agreement.

XVI. PERMITS

121. Unless expressly stated otherwise in this Consent Decree, in any instance where otherwise applicable law or this Consent Decree requires INVISTA to secure a permit to authorize construction or operation of any device, including all preconstruction, construction, and operating permits required under state or local law, INVISTA shall make such application in a timely manner. The Plaintiffs will use their best efforts to expeditiously review all permit applications submitted by INVISTA in order to meet the requirements of this Consent Decree. Nothing in this Consent Decree shall prevent INVISTA from qualifying for South Carolina's expedited permitting program provided that INVISTA meets all other requirements of that program.

122. When permits are required as described in Paragraph 121, INVISTA shall complete and submit applications for such permits to the appropriate authorities to allow sufficient time for all legally required processing and review of the permit request, including requests for additional information by the permitting authorities. Any failure by INVISTA to submit a timely permit application for any Unit shall bar any use by INVISTA of Section XIV (Force Majeure) of this Consent Decree, where a Force Majeure claim is based on permitting delays.

123. Notwithstanding the reference to Title V or other federally enforceable permits in this Consent Decree, the enforcement of such permits shall be in accordance with their own terms and the Clean Air Act. The Title V or other federally enforceable permits shall not be enforceable under this Consent Decree, although any term or limit established by or under this Consent Decree shall be enforceable under this Consent Decree regardless of whether such term has or will become part of a Title V or other federally enforceable permit subject to the terms of Section XXVII (Termination of Consent Decree) of this Consent Decree.

124. Obtaining Permit Limits for Consent Decree Emission Limits and Standards That Are Effective *Upon Date of Entry*. Within 180 days after the Entry Date for the Camden, Chattanooga, and Seaford Facilities, and, to the extent applicable, within 270 days after the Entry Date for the Victoria and Orange Facilities, INVISTA shall amend any applicable Title V permit application, or apply for amendments of its Title V permits, to include all Unit-specific performance, operational, maintenance, and control technology requirements established by this Consent Decree and effective upon the Date of Entry including, but not limited to, emission rates, removal efficiencies, fuel limitations, and tonnage limitations.

125. Obtaining Permit Limits for Consent Decree Emission Limits and Standards That Become Effective *After Date of Entry*. Within one year from the commencement of operation of each emission control technology to be installed, upgraded, or operated on a Unit under this Consent Decree, INVISTA shall apply to include the following requirements and limitations enumerated in this Consent Decree in either a federally enforceable operating permit issued under the applicable SIP or amendments to the applicable SIP: (a) any applicable 30-Day Rolling Average Emission Rate, 24-Hour Rolling Average Emission Rate, Removal Efficiency, or 30-Day or 12-Month Rolling Average Emissions Rate; (b) any applicable tonnage limitations; and (c) any applicable fuel limitations set forth in this Consent Decree.

126. For each Unit, INVISTA shall provide EPA and the Permitting Authority with a copy of each application for a permit to address or comply with any provision of this Consent Decree, as well as a copy of any permit proposed as a result of such application, to allow for timely participation in any public comment opportunity.

127. If INVISTA sells or transfers to an entity unrelated to INVISTA ("Third Party Purchaser") part or all of its Ownership Interest in an Unit or Facility covered under this Consent Decree, INVISTA shall comply with the requirements of Paragraphs 135-138 with regard to that Unit prior to any such sale or transfer unless, following any such sale or transfer, INVISTA remains the holder of the Title V or other federally enforceable permit for such Unit or Facility.

XVII. INFORMATION COLLECTION AND RETENTION

128. Any authorized representative of the United States or Permitting Agency, including their attorneys, contractors, and consultants, upon presentation of credentials, shall have a right of entry upon the premises of INVISTA's Acquired Facilities at any reasonable time for the purpose of:

a. monitoring the progress of activities required under this Consent Decree;

b. verifying any data or information submitted to the United States in accordance with the terms of this Consent Decree;

c. obtaining samples and, upon request, splits of any samples taken by INVISTA or its representatives, contractors, or consultants; and

d. assessing INVISTA's compliance with this Consent Decree.

129. INVISTA shall retain, and instruct its contractors and agents to preserve all non-identical copies of all records and documents (including records and documents in electronic form) now in its or its contractors' or agents' possession or control, and that directly relate to INVISTA's performance of its obligations under this Consent Decree until December 31, 2018. This record retention requirement shall apply regardless of any corporate document retention policy to the contrary.

130. All information and documents submitted by INVISTA pursuant to this Consent Decree shall be subject to any requests under applicable law providing public disclosure of documents unless (a) the information and documents are subject to legal privileges or protection or (b) INVISTA claims and substantiates in accordance with 40 C.F.R. Part 2 or corresponding applicable state or local laws that the information and documents contain confidential business information.

131. Nothing in this Consent Decree shall limit the authority of the EPA to conduct tests and inspections at INVISTA's Acquired Facilities under Section 114 of the Clean Air Act, 42 U.S.C. § 7414, or any other applicable federal, state or local laws, regulations or permits.

XVIII. NOTICES

132. Unless otherwise provided herein, whenever reports, notification, submissions, or communications are required by this Consent Decree, they shall be made in writing and addressed as follows:

As to the United States:
Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
DJ# 90-5-2-1-08085

As to EPA:

Director, Special Litigation and Projects Division
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 2248-A
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

with a hard copy to

Director, Air Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 2242-A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

and an electronic copy to

burke.shaun@epa.gov
milton.philip@epa.gov

EPA Region 3:

Chief, Enforcement and Compliance Branch
Office of Enforcement, Compliance & Environmental Justice
Mail Code: 3EC10
EPA Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

EPA Region 4:

Multimedia Technical Authority
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

EPA Region 6:

Associate Director, Air, Toxics, and Inspection Coordination Branch (6 EN-A)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

As to the State of Delaware:
Valerie M. Satterfield
Deputy Attorney General
Delaware Department of Justice
102 W. Water Street, 3rd Floor
Dover, DE 19904

Ali Mirzakhalili, Administrator
Air Quality Management
Department of Natural Resources
& Environmental Control
156 S. State Street
Dover, DE 19901

Joanna French, Program Manager
Air Quality Management
Department of Natural Resources
& Environmental Control
156 S. State Street
Dover, DE 19901

As to the South Carolina Department of Health and Environmental Control:

Director, Air Compliance Management Division
Bureau of Air Quality
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

As to the Chattanooga-Hamilton County Air Pollution Control Board:

Robert H. Colby
Director
Chattanooga-Hamilton County Air Pollution Control Bureau
6125 Preservation Drive
Chattanooga, Tennessee 37416-3638

As to INVISTA:

General Counsel
INVISTA, S.à r.l.
4123 East 37th Street North
Wichita KS 67220

Director, EH&S
INVISTA, S.à r.l.
4123 East 37th Street North
Wichita KS 67220

133. All notifications, communications or submissions made pursuant to this Section shall be sent either by: (a) overnight mail or delivery service; (b) certified or registered mail, return receipt requested; or (c) electronic transmission, unless the recipient is not able to review the transmission in electronic form. All notifications, communications and transmissions (a) sent by overnight, certified or registered mail shall be deemed submitted on the date they are postmarked, or (b) sent by overnight delivery service shall be deemed submitted on the date they are delivered to the delivery service. If the date for submission of a report, notification, submission, or other communication falls on a Saturday, Sunday, or legal holiday, the report, notification, submission, or other communication will be deemed timely if it is submitted by the

next business day. All notifications, communications, and submissions made by electronic means shall be electronically signed and certified, and shall be deemed submitted on the date that INVISTA receives written acknowledgment of receipt of such transmission.

134. Any Party may change either the notice recipient or the address for providing notices to it by serving the other Parties with a notice setting forth such new notice recipient or address.

XIX. SALES OR TRANSFERS OF OWNERSHIP INTERESTS

135. If INVISTA proposes to sell or transfer an Ownership Interest to an entity not affiliated with INVISTA ("Third Party Purchaser"), it shall advise the Third Party Purchaser in writing of the existence of this Consent Decree prior to such sale or transfer, and shall send a copy of such written notification to the Plaintiffs pursuant to Section XVIII (Notices) of this Consent Decree at least thirty (30) days before such proposed sale or transfer.

136. INVISTA shall condition any transfer, in whole or in part, of ownership of, operation of, or other interest in any Ownership Interest to a Third Party Purchaser, upon the execution by the transferee of a modification to the Consent Decree, which modification shall make the terms and conditions of the Consent Decree that apply to the Ownership Interest applicable to the Third Party Purchaser. In the event of such transfer, INVISTA shall notify the Plaintiffs. By no earlier than thirty (30) days after such notice, INVISTA may file a motion to modify the Consent Decree to make the terms and conditions of the Consent Decree applicable to the transferee. INVISTA shall be released from the obligations and liabilities of this Consent Decree applicable to the transferred Ownership Interest unless one of the Plaintiffs opposes the motion and the Court finds that the Third Party Purchaser does not have either the technical or financial ability to assume the obligations and liabilities of the Consent Decree.

137. This Consent Decree shall not be construed to impede the transfer of any Ownership Interests between INVISTA and any Third Party Purchaser as long the requirements of this Consent Decree are met. This Consent Decree shall not be construed to prohibit a contractual allocation – as between INVISTA and any Third Party Purchaser of Ownership Interests – of the burdens of compliance with this Decree, provided that both INVISTA and such Third Party Purchaser meet the requirements of this Section.

138. Notwithstanding the foregoing, however, INVISTA may not assign, and may not be released from, any obligation under this Consent Decree that is not specific to the purchased or transferred Ownership Interests, including the obligations set forth in Section XI (INVISTA's Certifications) and Section IX (Payment of Civil Penalties). INVISTA may propose and the Plaintiffs may agree to restrict the scope of joint and several liability of any purchaser or transferee for any obligations of this Consent Decree that are not specific to the transferred or purchased Ownership Interests, to the extent such obligations may be adequately separated in an enforceable manner.

XX. EFFECTIVE DATE

139. The effective date of this Consent Decree shall be the Date of Entry.

XXI. RETENTION OF JURISDICTION

140. Continuing Jurisdiction. The Court shall retain jurisdiction of this case after entry of this Consent Decree to enforce compliance with the terms and conditions of this Consent Decree and to take any action necessary or appropriate for its interpretation, construction, execution, modification, or adjudication of disputes. During the term of this Consent Decree, any Party to this Consent Decree may apply to the Court for any relief necessary to construe or effectuate this Consent Decree.

XXII. MODIFICATION

141. Modifications. This Consent Decree contains the entire agreement of the Parties and will not be modified by any prior oral or written agreement, representation, or understanding. Prior drafts of the Consent Decree will not be used in any action involving the interpretation or enforcement of the Consent Decree. Non-material modifications to this Consent Decree will be effective when signed in writing by EPA and INVISTA. The United States will file non-material modifications with the Court on a periodic basis. For purposes of this Paragraph, non-material modifications include but are not limited to modifications to the frequency of reporting obligations and modifications to schedules that do not extend the date for compliance with emissions limitations following the installation of control equipment or the completion of a catalyst additive program, provided that such changes are agreed upon in writing between EPA and INVISTA. Material modifications to this Consent Decree will be in writing, signed by EPA, the Applicable Co-Plaintiff, and INVISTA, and will be effective upon approval by the Court.

XXIII. PUBLIC COMMENT

142. The Parties agree and acknowledge that final approval by the United States and entry of this Consent Decree is subject to the procedures of 28 C.F.R. § 50.7, which provides for notice of the lodging of this Consent Decree in the Federal Register, an opportunity for public comment, and the right of the United States to withdraw or withhold consent if the comments disclose facts or considerations which indicate that the Consent Decree is inappropriate, improper or inadequate. INVISTA shall not oppose entry of this Consent Decree by this Court or challenge any provision of this Consent Decree unless the United States has notified INVISTA, in writing, that the United States no longer supports entry of the Consent Decree. If the United States withdraws or withholds consent, any other Plaintiff may also withdraw or withhold consent.

XXIV. GENERAL PROVISIONS

143. This Consent Decree shall be considered an enforceable judgment for purposes of post-judgment collection in accordance with Rule 69 of the Federal Rules of Civil Procedure, and other applicable federal authority.

144. This Consent Decree constitutes the final, complete and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Consent Decree, and supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied herein except for the Final Audit Report as referenced in Appendices A, B, and C to this Decree. No other document, nor any representation, inducement, agreement, understanding or promise, constitutes any part of this Decree or the settlement it represents, nor shall it be used in construing the terms of this Decree.

145. This Consent Decree does not pertain to any matters other than those expressly specified herein. Nothing in this Consent Decree is intended or shall be construed as a waiver by the United States of its right to institute a civil or criminal action against INVISTA for any past, present or future civil or criminal violations of any statutes, rules or regulations administered or enforceable by the United States, other than those civil violations alleged in the Complaint and any other claims arising from the audit findings listed in Appendices A-C.

146. This Consent Decree in no way affects or relieves INVISTA of its responsibility to comply with all applicable federal, state and local laws, regulations and permits. Defendant agrees that it will not assert in any federal, state or local criminal, civil or administrative proceeding, hearing or other permitting, licensing or procedural matter, that its compliance with this Consent Decree is a defense in law or equity to any civil or criminal action commenced by the Plaintiffs pursuant to any such federal, state or local law, regulation or permit, except as expressly provided in this Consent Decree.

147. The United States retains the right to seek to enforce the terms of this Consent Decree, and to take any action authorized by federal, state, or local law not inconsistent with the terms of this Consent Decree to achieve or maintain INVISTA's compliance with the terms and conditions of this Consent Decree.

148. Effect of Shutdown. The permanent Shutdown of a Unit and the surrender of all air permits or air permit conditions for that Unit will be deemed to satisfy all requirements of Sections IV, V, VI, and VII of this Consent Decree applicable only to that Unit on and after the later of: (i) the date of the Shutdown of the Unit; or (ii) the date of the surrender of all air permits/permit conditions. The permanent Shutdown of a Facility and the surrender of all air permits for that Facility will be deemed to satisfy all requirements of Sections IV, V, VI, and VII of this Consent Decree applicable to that Facility on and after the later of: (i) the date of the Shutdown of the Facility; or (ii) the date of the surrender of all air permits. This Paragraph does not affect INVISTA's requirements for the Facility where a Shutdown Unit is located (including

INVISTA's obligation to meet the 12-month rolling averages) unless each applicable Unit at the Facility is permanently Shutdown.

XXV. COSTS OF SUIT

149. Each Party in this action shall bear its own costs, including attorney's fees.

XXVI. ENTRY OF CONSENT DECREE

150. INVISTA consents to the entry of this Consent Decree unless the United States notifies INVISTA, in writing, that the United States no longer supports the entry of the Consent Decree.

151. If for any reason this Court should decline to approve this Consent Decree in the form presented or the United States no longer supports entry of the Consent Decree, this Consent Decree is voidable at the sole discretion of any Party and the terms of this Consent Decree may not be used as evidence in any litigation between the Parties.

XXVII. TERMINATION OF CONSENT DECREE

152. This Consent Decree shall be subject to termination upon motion by the United States or INVISTA under the conditions identified in Subparagraphs 152.a-d. INVISTA may seek termination of any provision of the Consent Decree at any one of the Acquired Facilities upon completion and satisfaction at the relevant Acquired Facility(ies) of all of the following requirements of this Paragraph 152.a-d as applicable to the Acquired Facility(ies):

a. compliance with all provisions contained in this Consent Decree, including installation of emission control technology;

b. payment of all penalties and other monetary obligations due under the terms of the Consent Decree; no penalties or other monetary obligations due hereunder can be outstanding or owed to the United States or Co-Plaintiffs;

c. application for and receipt of Title V permits incorporating the surviving emission limits and standards established under Sections IV, VI, and VII; and

d. operation for at least one year of each Unit in compliance with the emission limits and other requirements established herein, and certification of such compliance for each Unit within the first periodic report following the conclusion of the compliance period.

153. At such time as INVISTA believes that it has satisfied the requirements for termination set forth in Paragraph 152, INVISTA shall certify such compliance and completion to the United States and the Applicable Co-Plaintiff in writing. The report shall contain the

following statement, signed by a responsible official of INVISTA: "To the best of my knowledge, after appropriate investigation, I certify that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." Unless, within 120 days of receipt of INVISTA's certification under this Paragraph, either the United States or the Applicable Co-Plaintiff objects in writing with specific reasons, the Court may, upon motion by INVISTA, order that this Consent Decree be terminated. If either the United States or the Applicable Co-Plaintiff objects to the certification by INVISTA then the matter shall be submitted to the Court for resolution under Section XV (Dispute Resolution) of this Consent Decree.

154. The Resolution of Claims provisions set forth in Section VIII shall survive termination of the Consent Decree.

XXVIII. SIGNATORIES/SERVICE

155. Each of the undersigned representatives of the Parties certify that he or she is authorized to enter into terms and conditions of this Consent Decree and to execute and bind legally such Party to this document. This Consent Decree may be executed in one or more counterparts, but in such event, each counterpart shall constitute an original and all such counterparts shall together constitute one instrument.

XXIX. FINAL JUDGMENT

156. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment in the above-captioned matter between the Plaintiffs and INVISTA.

SO ORDERED, THIS _____ DAY OF _____, 2009.

_____
THE HONORABLE
UNITED STATES DISTRICT COURT JUDGE

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States, et. al. v. INVISTA S.à r.l., C.A. No. _____.

FOR THE UNITED STATES OF AMERICA:

DATED:_____ _____

JOHN C. CRUDEN
Acting Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

DATED:_____ _____

ROBERT D. BROOK
Assistant Section Chief
DANIELLE C. FIDLER
By Special Appointment as a
Department of Justice Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 514-2738

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States, et. al. v. INVISTA S.à r.l., C.A. No. _____.

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

DATED:_____ _____

CATHERINE R. MCCABE
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-2440

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States, et. al. v. INVISTA S.à r.l., C.A. No. _____.

FOR THE STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL:

DATED: _____

_____

DAVID S. SMALL
Acting Secretary
Delaware Department of Natural Resources
and Environmental Control
89 Kings Highway
Dover, DE 19901
(302) 739-4636

DATED: _____

_____

VALERIE M. SATTERFIELD
Deputy Attorney General
Attorney for Delaware Department of Natural
Resources and Environmental Control
Delaware State Bar Identification No. 3937
Delaware Department of Justice
102 West Water Street, 3d Floor
Dover, DE 19904
(302) 739-4636
Valerie.Satterfield@state.de.us

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States, et. al. v. INVISTA S.à r.l., C.A. No. _____.

FOR THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL:

DATED: _____

_____
ROBERT W. KING, JR., P.E.
Deputy Commissioner
Environmental Quality Control
South Carolina Department of Health and Environmental Control
(803) 896-8940

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States, et. al. v. INVISTA S.à r.l., C.A. No. _____.

FOR THE CHATTANOOGA-HAMILTON COUNTY AIR POLLUTION CONTROL BOARD:

DATED: _____

_____

JOSIAH BAKER
Counsel for Chattanooga-Hamilton County
Air Pollution Control Board
701 Market Street
First Tennessee Building, Suite 1500
Chattanooga, TN 37402
(423) 756-3333

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States, et. al. v. INVISTA S.à r.l., C.A. No. _____.

FOR INVISTA:

DATED:_____ _____

DAVID C. DOTSON
Senior Vice President - Operations
INVISTA S.à r.l.
4123 East 37th Street North
Wichita, Kansas 67220
(316) 828-1732

Appendix A

APPENDIX A – GENERAL AUDIT FINDINGS

TAB 3 OF FINAL REPORT: ATHENS FACILITY

Tab 3, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. § 6925(a), RCRA §3005 as implemented by 40 C.F.R. §§ 270.30(a), 270.30(l)(4) and Land Application Permit GA01-405	4/30/04 – 6/30/05
2	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a) and Storm Water General Permit GAR00000	4/30/04 – 6/29/05
3	Not included in Appendix A.	
4	7 U.S.C. § 136 j (A)(2)(g); FIFRA § 12(A)(2)(g) (registered pesticide Biosphere 250)	4/30/04 – 6/23/05
5	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(e)	4/30/04 – 6/30/05
6	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.5(c)	4/30/04 – 6/30/05
7	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.8(c)(6)	4/30/04 – 6/30/05
8	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(c)	4/30/04 – 6/30/05
9	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.3(d)	4/30/04 – 6/30/05
10	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.8(c)(2)	4/30/04 – 6/30/05
11	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Georgia Air Permit 2282-059-0038-B-01-0	4/30/04 – 6/20/05
12	42 U.S.C. §11002(c), EPCRA § 302(c) as implemented by 40 C.F.R. § 355.30 (sulfuric acid)	4/30/04 – 6/3/05
13	42 U.S.C. §§ 6922, 6924, RCRA §§ 3002 and 3004 as implemented by 40 C.F.R. § 273.15	4/30/04 – 5/21/08
14	42 U.S.C. §§ 6922, 6924, RCRA §§ 3002 and 3004 as implemented by 40 C.F.R. § 273.16	4/30/04 – 6/20/05
15	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11	4/30/04 – 6/29/05
16	42 U.S.C. § 6922; RCRA § 3002 as implemented by 40 C.F.R. § 262.40(c)	4/30/04 – 5/21/08
17	42 U.S.C. § 6922; RCRA § 3002 as implemented by 40 C.F.R. § 262.7(a)(8)	4/30/04 – 6/29/05

TAB 4 OF FINAL REPORT: CALHOUN FACILITY

Tab 4, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.21(a)	4/30/04 – 8/5/05
2	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.21(a)	4/30/04 – 7/18/05
3	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11	4/30/04 – 8/5/05
4	42 U.S.C. §§ 6922, 6924, RCRA §§ 3002, 3004 as implemented by 40 C.F.R. §§ 273.13(a), 273.13(d)	4/30/04 – 5/21/08
5	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.3(g)	4/30/04 – 7/18/05
6	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.1(b)	4/30/04 – 7/18/05

TABS 5.A - 5.C OF FINAL REPORT: CAMDEN FACILITY

Tab 5.A, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.5(c), 70.6(a)(6) and S.C. Code Regs. 61-62.70.5(c)(3)(i)	4/30/04 – 8/26/05
2	42 U.S.C. § 7661(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.5(c), 70.6(a)(6) and S.C. Code Regs. 61-62.70.5(c)(3)(i), 61-62.6.III.C	4/30/04 – 8/25/05
3	42 U.S.C. § 7671g, CAA § 608 as implemented by 40 C.F.R. § 82.156(k)	4/30/04 – 4/18/05
4	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.2, 70.5.(d), 70.6(a)(6) and Camden Title V Permit Condition 3.R	4/30/04 – 6/10/05
5	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.5(c), 70.6(a)(6) and S.C. Code Regs. 61-62.70.5(c)(3)(i)	4/30/04 – 6/10/05
6	Not included in Appendix A.	
7	Not included in Appendix A.	

Tab 5.A, Item No.	**Regulatory Citation**	**Dates Covered**
8	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.5(c)(3)(vi), 70.6(a)(6) and Title V Permit Condition 5.E.7	4/30/04 – 5/20/05
9	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 61.150(a)(1)(iv) and S.C. Code Regs. 61-86.1 IV(H)(g)(8)	4/30/04 – 3/28/05
10	Not included in Appendix A.	
11	42 U.S.C. § 300g-1(c), SDWA § 1412(c) as implemented by 40 C.F.R. §§ 141.23, 141.24, Subpart C and S.C. Code Regs. 61-58.5	4/30/04 – 5/27/05
12	Not included in Appendix A.	
13	Not included in Appendix A.	
13.1	Not included in Appendix A.	
14	Not included in Appendix A.	
15	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(a)	4/30/04 – 4/21/05
16	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.3(d), 112.7(a), 112.7(d)	4/30/04 – 4/21/05
17	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.8(c)(10)	4/30/04 – 4/21/05
18	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.5(c)	4/30/04 – 4/21/05
19	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(e)	4/30/04 – 4/21/05
20	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.8(c)(2)	4/30/04 – 4/21/05
21	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(e)	4/30/04 – 4/21/05
22	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(c)	4/30/04 – 4/21/05
23	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(g)	4/30/04 – 4/21/05
24	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.8(c)(2)	4/30/04 – 4/21/05
25	7 U.S.C. § 136j(a)(2)(g), FIFRA § 12(a)(2)(g) as implemented by 40 CFR § 156.146	4/30/04 – 4/6/05
26	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11 and S.C. Code Regs. 61-79.262.11	4/30/04 – 3/7/05

Tab 5.A, Item No.	**Regulatory Citation**	**Dates Covered**
27	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 264.13(a)(3)(i) and S.C. Code Regs. 61-79.262.13(a)(3)(i)	4/30/04 – 4/13/05
28	42 U.S.C. §§ 6922, 6924; RCRA §§ 3002, 3004 as implemented by 40 C.F.R. § 268.7(a)(8) and S.C. Code Regs. 61-79.268.7(a)(8)	8/5/04 – 3/10/05
29	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34(a)(2) and S.C. Code Regs. 61-79.262.34(a)(2)	4/30/04 – 3/12/05
30	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 262.10 (c), 262.10(g) and S.C. Code Regs. 61-79.262.10(c),(g)	4/30/04 – 3/12/05
31	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11 and S.C. Code Regs. 61-79.262.11	4/30/04 – 4/7/05
32	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.42 and S.C. Code Regs. 61-79.262.40(a), 61-79.242,	11/23/04 – 4/18/05
33	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 273.14, 273.15 and S.C. Code Regs. 61-79.273.14, 273.15	4/30/04 – 3/11/05
34	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 273.15 and S.C. Code Regs. 61-79.273.15	4/30/04 – 5/21/08
35	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 273.14(d) and S.C. Code Regs. 61-79.273.9	4/30/04 – 3/8/05
36	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 265.16(d)(1), 265.16(d)(2) and S.C. Code Regs. 61-79.265.16(d)(1), 265.16(d)(2)	4/30/04 – 4/18/05
37	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 262.34(c)(1) and S.C. Code Regs. 61-79.262.34(c)(1)	4/30/04 – 3/17/05
38	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34(c)(1) and S.C. Code Regs. 61-79.262.34(c)(1)	4/30/04 – 3/21/05
39	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 265.1050 (Subpart BB) and S.C. Code Regs. 61-79.265.1050 (Subpart BB)	4/30/04 – 4/26/05
40	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11 and S.C. Code Regs. 61-79.262.11	4/30/04 – 3/3/05
41	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 273.14, 273.15 and S.C. Code Regs. 61-79.273.14, 273.15	4/30/04 – 3/28/05
42	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34(c)(1) and S.C. Code Regs. 61-79.262.34(c)(1)	4/30/04 – 4/18/05
43	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 260.10, 262.34 and S.C. Code Regs. 61-79.260.10, 262.34	4/30/04 – 4/18/05
44	42 U.S.C. § 6922, RCRA § 3002 as implemented by S.C. Code Regs. 61-79.262.13	4/30/04 – 4/13/05

Tab 5.A, Item No.	**Regulatory Citation**	**Dates Covered**
45	42 U.S.C. § 6922, RCRA § 3002 as implemented by S.C. Code Regs. 61-79.262.13	4/30/04 – 3/9/05
46	42 U.S.C. § 6922, RCRA § 3002 as implemented by S.C. Code Regs. 61-105(G)	4/30/04 – 3/14/05
47	33 U.S.C. § 1311(a) CWA § 301(a) as implemented by 40 C.F.R. §§ 122.26(c), 122.41(a) and General Storm Water Discharge Permit SCR000000	4/30/04 – 4/19/05
48	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. §§ 122.26(c), 122.41(a) and General Storm Water Discharge Permit SCR000000	4/30/04 – 4/19/05
48.1	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. §§ 122.26(c), 122.41(a) and General Storm Water Discharge Permit SCR000000, Part IV, Section D, ¶10	4/30/04 – 4/15/05
48.2	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a) and NPDES Permit SC0002585	4/9/05 – 7/15/05
49	Part of TSCA Audit, not included in Appendix A	
50	Part of TSCA Audit, not included in Appendix A	
51	Part of TSCA Audit, not included in Appendix A	
52	42 U.S.C. § 300h-2(b), SDWA § 1423(b) as implemented by 40 C.F.R. § 144.83 and S.C. Code Regs. 61-87.12(A) and 87.13	4/30/04 – 9/22/05
53	42 U.S.C. § 300h-2(b), SDWA § 1423(b) as implemented by 40 C.F.R. § 144.89 and S.C. Code Regs. 61-87.12(b)	4/30/04 – 4/28/05

Tab 5.B, Item No.	**Regulatory Citation**	**Dates Covered**
1	Part of Appendix B, not included in Appendix A	
2	Part of Appendix B, not included in Appendix A	
3	Part of Appendix B, not included in Appendix A	
4	Part of Appendix B, not included in Appendix A	
5	Part of Appendix B, not included in Appendix A	
6	Part of Appendix B, not included in Appendix A	

Tab 5.C, Item No.	**Regulatory Citation**	**Dates Covered**
Potential Exception ("PE") 1	42 U.S.C. Section 7661a(a), CAA Section 502(a) as implemented by 40 C.F.R. §§ 70.5(a), (b) and S.C. Code Regs 61-62.70.5(a), (b).	4/30/04 - 7/31/07

TABS 6.A AND 6.B OF FINAL AUDIT REPORT: CHATTANOOGA FACILITY

Tab 6.A, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Chattanooga Title V Permit Conditions of General Applicability 12.1	4/30/04 – 8/3/05
2	Not included in Appendix A.	
3	42 U.S.C. § 7661(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.5(c) and Chattanooga City Code §§ 4-56(c)(12)(v), (xii), and (xxi)	4/30/04 – 8/4/05
4	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(3)(iii)(B), 70.6(a)(6) and Chattanooga Title V Permit Conditions of General Applicability 12.2	10/2/04 – 8/1/05
5	Not included in Appendix A.	
6	42 U.S.C. § 7671b, CAA § 603 as implemented by 40 C.F.R. §§ 82.166(i) and 82.156(i)(2)	4/30/04 – 5/21/08
7	42 U.S.C. § 7671b, CAA § 603 as implemented by 40 C.F.R. §§ 82.158(a), 82.158(h)	4/30/04 – 6/13/05
8	42 U.S.C. Section 7661(a), CAA 502(a) as implemented by 40 C.F.R. § 70.5(c)	4/30/04 – 8/4/05
9	42 U.S.C. Section 7661(a), CAA 502(a) as implemented by 40 C.F.R. § 70.5(c)	4/30/04 – 8/4/05
10	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Chattanooga Title V Permit Conditions of General Applicability 12.1	4/30/04 – 8/3/05
11	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Chattanooga Title V Permit Conditions Applicable to the Entire Facility 5.0	4/30/04 – 11/30/05
12	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Chattanooga Title V Permit Conditions of General Applicability 12.1	4/30/04 – 8/1/05
13	Not included in Appendix A.	
14	Not included in Appendix A.	
15	Not included in Appendix A.	
16	Not included in Appendix A.	

Tab 6.A, Item No.	Regulatory Citation	Dates Covered
17	Not included in Appendix A.	
18	33 U.S.C. § 1321(j), CWA § 311(j) as implemented by 40 C.F.R. §112.3	4/30/04 – 8/4/05
19	Not included in Appendix A.	
20	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(c)	4/30/04 – 8/4/05
21	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.7(e), 112.20(e)(8)	4/30/04 – 8/4/05
22	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(f)	4/30/04 – 7/27/05
23	Not included in Appendix A.	
24	Not included in Appendix A.	
25	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.41	4/30/04 – 7/28/05
26	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.41	4/30/04 – 7/28/05
27	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.41	4/30/04 – 7/28/05
28	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.41	4/30/04 – 7/28/05
29	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.41	4/30/04 – 7/28/05
30	Not included in Appendix A.	
31	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 262.20	1/1/05 – 6/21/05
32	Not included in Appendix A.	
33	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11	4/30/04 – 7/27/05
34	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 273.15	4/30/04 – 7/27/05
35	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 273.14(a)	4/30/04 – 7/27/05
36	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11	4/30/04 – 7/27/05

Tab 6.A, Item No.	Regulatory Citation	Dates Covered
37	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11	4/30/04 – 7/27/05
38	42 U.S.C. § 6924, RCRA § 3004 as implemented by 40 C.F.R. § 264.173	4/30/04 – 7/29/05
39	42 U.S.C. § 6924, RCRA § 3004 as implemented by 40 C.F.R. § 264.173	4/30/04 – 7/29/05
40	42 U.S.C. § 6924, RCRA § 3004 as implemented by 40 C.F.R. § 264.173	4/30/04 – 7/27/05
41	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34 (c)(1)(ii)	4/30/04 – 7/29/05
42	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34 (c)(2)	4/30/04 – 7/29/05
43	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34 (c)(2)	4/30/04 – 7/27/05
44	Not included in Appendix A.	
45	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11	4/30/04 – 7/22/05
46	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 261.4(b)(13)	4/30/04 – 7/25/05
47	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11	4/30/04 – 5/21/08
48	42 U.S.C. § 6924, RCRA § 3004 as implemented by 40 C.F.R. § 264.173	4/30/04 – 7/27/05
49	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34(c)(1)(ii)	4/30/04 – 7/27/05
50	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11	4/30/04 – 7/18/05
51	7 U.S.C. § 136j(A)(2)(g), FIFRA § 12(A)(2)(g)	4/30/04 – 7/19/05
52	7 U.S.C. § 136j(A)(2)(g), FIFRA § 12(A)(2)(g)	4/30/04 – 7/18/05
53	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by 40 C.F.R. § 122.41(j) and NPDES Permit No. TN0002844, Section B4	4/30/04 – 7/19/05
54	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by 40 C.F.R. § 122.41(j) and NPDES Permit No. TN0002844, Section B4	4/30/04 – 8/1/05
55	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by 40 C.F.R. §§ 122.21(g)(7)(ii),122.41 and NPDES Permit No. TN0002844, Part I.A	4/30/04 – 7/19/05

Tab 6.A, Item No.	Regulatory Citation	Dates Covered
56	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by 40 C.F.R. § 122.41(j)(2) and NPDES Permit No. TN0002844, Part IV	4/30/04 – 7/21/05
57	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by 40 C.F.R. §§ 122.26(c), 122.41 and NPDES Permit No. TN0002844, Part IV	4/30/04 – 8/12/05
58	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by 40 C.F.R. § 122.41(l)(8)and NPDES Permit No. TN0002844	4/30/04 – 10/17/05
59	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by 40 C.F.R. § 122.41(a) and NPDES Permit No. TN0002844, Part I.A	4/30/04 – 7/19/05
60	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a) and Wastewater Discharge Permit No. 3203 Special Conditions	4/30/04 – 7/19/05
61	33 U.S.C. §§ 1311(a), CWA §§ 301(a) as implemented by 40 C.F.R. § 122.41(j)(2) and Wastewater Discharge Permit No. 3203	4/30/04 – 7/27/05
62	Not included in Appendix A.	
63	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a) and Wastewater Discharge Permit No. 3203	4/30/04 – 8/3/05
64	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.21(g)and Wastewater Discharge Permit No. 3203, Section C.6	4/30/04 – 9/7/05
65	Part of TSCA Audit, not included in Appendix A.	
66	Part of TSCA Audit, not included in Appendix A.	
67	Part of TSCA Audit, not included in Appendix A.	
Self Identified ("SI") 1	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a) and NPDES Permit TN0002844	4/30/04 – 1/31/07
SI 2	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(j)(2); NPDES Permit TN0002844; and Wastewater Discharge Permit 3203 Section C.6.a	4/30/04 – 7/25/05
SI 3	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a)(1) and NPDES Permit TN0002844	4/30/04 – 7/13/05
SI 4	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(j)(2) and NPDES Permit TN0002844	4/30/04 – 7/20/05

Tab 6.B, Item No.	Regulatory Citation	Dates Covered
1	Part of Appendix B, not included in Appendix A.	
2	Part of Appendix B, not included in Appendix A.	
3	Part of Appendix B, not included in Appendix A.	

TAB 7 OF FINAL REPORT:
DALTON FACILITY

Tab 7, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. §§ 6922, 6924, RCRA §§ 3002, 3004 as implemented by 40 C.F.R. § 273.14(e)	4/30/04 – 6/10/05

TAB 8 OF FINAL REPORT:
MARTINSVILLE FACILITY

Tab 8, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. § 11021, EPCRA § 311 as implemented by 40 C.F.R. §§ 370.21, 370.20(c)	9/1/04 – 3/21/05
2	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.11 and 9 VAC 20-60A.262.11	4/30/04 – 4/6/05
3	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 279.22(c) and 9 VAC 20-60A.279.22(c)	4/30/04 – 3/18/05
4	Not included in Appendix A.	
5	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. §§ 265.51, 265.52, 265.54 and 9 VAC 20-60A.265.51, 265.52, and 265.54	4/30/04 – 4/7/05
6	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 265.16 and 9 VAC 20-60A.265.16	4/30/04 – 5/21/08
7	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. §§ 262.20, 268.7 and 9 VAC 20-60A.262.20, 268.7	4/30/04 – 4/7/05
8	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.10 and 9 VAC 20-60A.262.10	4/30/04 – 4/7/05
9	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.34(c)(1)(ii) and 9 VAC 20-60A.262.34(c)(1)(ii)	4/30/04 – 4/7/05

Tab 8, Item No.	**Regulatory Citation**	**Dates Covered**
10	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.34(c) and 9 VAC 20-60A.262.34(c)	4/30/04 – 4/7/05
11	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.11and 9 VAC 20-60A.262.11	4/30/04 – 4/7/05
12	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.34(c) and 9 VAC 20-60A.262.34(c)	4/30/04 – 4/7/05
13	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.11and 9 VAC 20-60A.262.11	4/30/04 – 4/7/05
14	42 U.S.C. §§ 6922, 6924, RCRA §§ 3002, 3004 as implemented by 40 C.F.R. § 273.36 and 9 VAC 20-60-273.36	4/30/04 – 5/21/08
15	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.3	4/30/04 – 4/7/05
16	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.26 and 9 VAC 25-180 and the October 2004 Storm Water Pollution Prevention Plan	4/30/04 – 3/23/05
17	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(l)(8) and the October 2004 Storm Water Pollution Prevention Plan	4/30/04 – 3/18/05
18	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(l)(8) and the October 2004 Storm Water Pollution Prevention Plan	4/30/04 – 3/18/05
19	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(e) and the October 2004 Storm Water Pollution Prevention Plan	4/30/04 – 3/18/05
20	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(l)(8) and the October 2004 Storm Water Pollution Prevention Plan	4/30/04 – 3/31/05
21	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a) and the October 2004 Storm Water Pollution Prevention Plan	5/1/05 – 3/18/05
22	Not included in Appendix A.	
23	Not included in Appendix A.	

TABS 9.A AND 9.B OF FINAL REPORT: SEAFORD FACILITY

Tab 9.A, Item No.	Regulatory Citation	Dates Covered
1	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(l)(8) and NPDES Permit DE0000035	4/30/04 – 12/2/04
2	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(l)(8)	4/30/04 – 12/13/04
3	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(6),70.10(b)(5) and Seaford Title V Permit Condition 3-Table 1(e)(1)(v) and (vii)	4/30/04 –12/6/04
4	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.5(c)(3) and DE Air Reg. 30	4/30/04 – 12/17/04
5	42 U.S.C. §§ 6922, 6924; RCRA §§ 3002, 3004 as implemented by 40 C.F.R. § 273.18 and DNREC § 273.18	4/30/04 – 12/14/04
6	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.7(e), 112.7(f)(1)	4/30/04 – 10/22/04
7	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.7(e), 112.7(f)	4/30/04 – 12/16/04
8	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.7(e), 112.8(c)(6)	4/30/04 – 12/17/04
9	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.7(e), 112 Appendix F Section 1.8.1	4/30/04 – 12/18/04
10	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.3(a)	4/30/04 – 10/21/04
11	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.20(h)	4/30/04 – 12/18/04
12	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.3, 112.7	4/30/04 – 10/20/06
13	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 CFR § 112.7(e)	4/30/04 – 12/16/04
14	42 U.S.C. § 11002(c), EPCRA § 302(c) as implemented by 40 C.F.R. § 355.30	4/30/04 – 12/10/04
15	Not included in Appendix A.	
16	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.41	4/30/04 – 11/29/04
17	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.20(d)	4/30/04 – 11/29/04

Tab 9.A, Item No.	Regulatory Citation	Dates Covered
18	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(c)	4/30/04 – 12/17/04
19	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.7(e), 112.8(b)1	4/30/04 – 11/8/04
20	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.5(c)(3) and 7 Del. Code Regs. Ch. 1102 § 2.1 and Ch. 30 § 5(d)(3)	4/30/04 – 10/30/06
21	42 U.S.C. §§ 7661a, 7671b, CAA §§ 502a, 603 as implemented by 40 C.F.R. §§ 70.6(a)(6), 82.166(k), 82.166(m) and Title V air emission operating permit condition 2q	4/30/04 – 12/17/04
21.1	42 U.S.C. §§ 7671a, 7671b, CAA §§ 502a, 603 as implemented by 40 C.F.R. §§ 70.6(a)(6), 82.162 and Title V air emission operating permit condition 2q	4/30/04 – 2/7/05
21.2	42 U.S.C. § 7671b, CAA § 603 as implemented by 40 C.F.R. § 82.162(b)	4/30/04 – 2/7/05
22	42 U.S.C. §§ 7661a, 7671g, CAA §§ 502(a), 608 as implemented by 40 C.F.R. §§ 70.6(a)(6), 82.156(i)(2) and Seaford Title V Permit Air Emission Operating Permit Condition 2q	4/30/04 – 12/17/04
23 (same incident as 40)	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6), DE Air Reg No. 24, Section 8(C) and Seaford Title V Permit Condition 3, Table 1(o)(1)(ii)(C)	4/30/04 – 12/1/04
24	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(a)(2)(ii)(B-C) and (iii)(D)	4/30/04 – 12/16/04
25	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(a)(2)(iv)(A)	9/17/04 – 12/1/04
26	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(a)(2)(v)(B)	4/30/04 – 12/2/04
27	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(h)(1)(i)(A), (iii)(H) & (vii)(A)	4/30/04 – 12/16/04
28	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(h)(1)(iii)(C)(4)	4/30/04 – 12/16/04
29	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(n)(1)(ii)(C)	4/30/04 – 5/25/05

Tab 9.A, Item No.	Regulatory Citation	Dates Covered
30	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(c)(2)(iii)	4/30/04 – 12/17/04
31	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(i)(1)(vii)(A)(1)&(B)(1)	4/30/04 – 12/16/04
32	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(j)(1)(vii)	4/30/04 – 12/16/04
33	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Condition 3, Table 1(j)(2)(ii)(B)	4/30/04 – 12/17/04
34	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.5(b) and DE Air Reg. 30 Section 5(b)	4/30/04 – 11/29/04
35	42 U.S.C. § 7413(a)(1), CAA § 113(a)(1) as implemented by 7 Del. Admin. Code § 1102.2.2.1.2	4/30/04 – 10/29/04
36	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.41	4/30/04 – 12/6/04
37	42 U.S.C. §§ 6922, 6924, RCRA §§ 3002, 3004 as implemented by 40 C.F.R. § 279.22 and DNREC § 279.22	4/30/04 – 11/30/04
38	42 U.S.C. §§ 6922, 6924, RCRA §§ 3002, 3004 as implemented by 40 C.F.R. § 273.13(d) and DNREC § 273.18	4/30/04 – 12/8/04
39	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.20(a) and DNREC § 262.20(a)	4/30/04 – 12/9/04
40	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34 and DRGHW § 260.10	4/30/04 – 12/1/04
41	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 265.52(c) and DRGHW § 265.52(c)	4/30/04 – 12/10/04
42	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 265.52(d) and DRGHW § 265.52(d)	4/30/04 – 12/10/04
43	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34(c)(1) and DRGHW § 262.34(c)(1)	4/30/04 – 11/16/04
44	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.41(a)(6)	4/30/04 – 12/10/04
45	Part of TSCA Audit, not included in Appendix A.	
46	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a) and NPDES Permit DE0000035	4/30/04 – 9/1/06
47	33 U.S.C. §§ 1311(a), CWA §§ 301(a) as implemented by 40 C.F.R. § 122.41(a)	4/30/04 – 11/8/04

Tab 9.A, Item No.	**Regulatory Citation**	**Dates Covered**
48	33 U.S.C. §§ 1311(a), CWA §§ 301(a) as implemented by 40 C.F.R. § 122.41(a)	4/30/04 – 11/9/04
49	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a) and NPDES Permit DE0000035	4/30/04 – 9/1/06
50	7 U.S.C. § 12(a)(2)(G), FIFRA § 12(a)(2)(G) as implemented by 40 CFR § 156.146(b) and DE Pesticide Reg. 16.2.1	4/30/04 – 11/23/04
51	7 U.S.C. § 12(a)(2)(G), FIFRA § 12(a)(2)(G) as implemented by 40 CFR § 156.146 and DE Pesticide Reg. 16.1.1	4/30/04 – 12/9/04
52	Not included in Appendix A.	
53	42 U.S.C. § 7412, CAA § 112 as implemented by 40 CFR § 61.145(b) and DE Air Reg. No. 21, Section 10	4/30/04 – 12/17/04
53.1	42 U.S.C. § 7412, CAA § 112 as implemented by 40 CFR § 61.150(b) and DE Air Reg. No. 21, Section 10	5/18/04 – 1/28/05
53.2	42 U.S.C. § 7412, CAA § 112 as implemented by 40 CFR §§ 61.150(d)(3), 61.150(d)(4) and DE Air Reg. No. 21, Section 10	4/30/04 – 2/4/05
PE 1	Not included in Appendix A.	
AAQS 2	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Conditions 3(h)(1), (3)(l)(1), (3)(j)(2)	4/30/04 – 7/8/04
AAQS 5	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Seaford Title V Permit Conditions 3(d)(3)(i), (3)(d)(3)(ii)(B)	6/1/04 – 7/8/04

Tab 9.B, Item No.	**Regulatory Citation**	**Dates Covered**
1	Part of Appendix B, not included in Appendix A.	
2	Part of Appendix B, not included in Appendix A.	
3	Part of Appendix B, not included in Appendix A.	

TABS 10.A – 10.D OF FINAL REPORT: WAYNESBORO FACILITY

Tab 10.A, Item No.	**Regulatory Citation**	**Dates Covered**
1	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.5(c), 70.6(a)(6) and 9 VAC 5-80-90. D.1.	4/30/04 – 3/17/05
2	Not included in Appendix A.	

Tab 10.A, Item No.	Regulatory Citation	Dates Covered
3	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.5(c), 70.6(a)(6) and 9 VAC 5-80-90.D.1.a.2	4/30/04 – 3/17/05
4	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. §§ 122.41(a), 122.41(l)(8) and VPDES Permit VA0002160, Part I, Page 27	4/30/04 – 1/28/05
5	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. §§ 122.41(a), 122.44(i)(4)(2) and VPDES Permit VA0002160, Part I, Page 29	4/30/04 – 1/20/05
6	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. §§ 122.41(a), 122.41(l)(8) and VPDES Permit VA0002160, Part I, Page 27	4/30/04 – 1/20/05
7	33 U.S.C. § 1342(p)(4)(A), CWA § 402(p)(4)(A) as implemented by 40 C.F.R. §§ 122.26(c) and 9 VAC 31-120 Storm Water Discharges	4/30/04 – 3/18/05
8	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a), VPDES Permit VA0002160, Part I, Page 29 Paragraph 3 (Good Housekeeping), and Storm Water Pollution Prevention Plan Section 2.12.3.6.4	4/30/04 – 3/7/05
9	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. §§ 122.41(a), 122.44(i)(4)(ii); VPDES Permit VA0002160, Part I, Page 28 paragraph (c) and page 30 paragraph (f)	4/30/04 – 1/20/05
10	42 U.S.C. §§ 6922(a)(2), 6924(a)(3); RCRA §§ 3002(a)(2), 3004(a)(3) as implemented by 40 C.F.R. §§ 273.13(d), 273.14(e) and 9 VAC 20-60-273.13(d), 273.14(e)	4/30/04 – 2/11/05
11	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. §§ 262.34(c)(2), 265.173(a), 265.173(b) and 9 VAC 20-60-262.34(c)(2), 265.173(a), 265.173(b)	4/30/04 – 2/11/05
12	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. §§ 262.34(c)(2), 265.173(a),(b) and 9 VAC 20-60-262.34(c)(2), 265.173(a),(b)	4/30/04 – 2/25/05
13	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. §§ 265.173(a), 265.173(b) and 9 VAC 20-60-265.173(a) and (b)	4/30/04 – 2/17/05
14	42 U.S.C. §§ 6922(a)(2), 6924(a)(3); RCRA §§ 3002(a)(2), 3004(a)(3) as implemented by 273.13(d), 273.14(e), 273.16 and 9 VAC 20-60-273.9	4/30/04 – 2/25/05
15	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.11 and 9 VAC 20-60-260.10	4/30/04 – 3/15/05
16	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. § 262.34(c)(1) and 9 VAC 20-60-262.34	4/30/04 – 3/15/05

Tab 10.A, Item No.	Regulatory Citation	Dates Covered
17	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. § 262.34(c)(1) and 9 VAC 20-60-262.34	4/30/04 – 3/16/05
18	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.25(c)	4/30/04 – 2/25/05
19	Part of TSCA audit, not included in Appendix A.	
20	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.3, 112.7	4/30/04 – 3/17/05
20.1	33 U.S.C. § 1321(j), CWA § 311(j) as implemented by 40 C.F.R. § 112.7(c)	4/30/04 – 3/17/05
20.2	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(g)(5)	4/30/04 – 3/17/05
21	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.20(h), Part 112 Appendix F Section 1.8.2	4/30/04 – 2/17/05
22	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.3, Part 112 Appendix F Section 1.8.2	4/30/04 – 2/17/05
23	Part of TSCA audit, not included in Appendix A.	
24	Part of TSCA audit, not included in Appendix A.	
25	Part of TSCA audit, not included in Appendix A.	
26	Part of TSCA audit, not included in Appendix A.	
27	42 U.S.C. §§ 7413(a)(3), 7671b, CAA §§ 113(a)(3), 603 as implemented by 40 C.F.R. Parts 82.158(h), 82.154(b)(2)	4/30/04 – 3/3/05
28	42 U.S.C. §§ 7413(a), 7661a(a), CAA §§ 113(a), 502(a) as implemented by 40 C.F.R. § 70.6(a)(1), 9 VAC 5-80-340 and Waynesboro Title V Permit Condition X.M	4/30/04 – 3/15/05
29	42 U.S.C. §§ 7413(a), 7661a(a), CAA §§ 113(a), 502(a) as implemented by 40 C.F.R. § 70.6(a)(1), 9 VAC 5-80-340 and Waynesboro Title V Permit Condition X.M	4/30/04 – 3/15/05
30	42 U.S.C. § 7412(g)(2), CAA § 112(g)(2) as implemented by 40 C.F.R. § 63.1110(c)	4/30/04 – 3/18/05
31	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. §§ 70.5(c), 70.6(a)(6) and 9 VAC 5-80-90.D.1.a.1	4/30/04 – 10/16/06
32	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 61.145(b)	7/12/04 – 2/7/05
33	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. 112.20(h), Part 112 Appendix F Section 1.8.2	4/30/04 – 2/21/05
34	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(a)(3)(i)	4/30/04 - 3/23/05

Tab 10.A, Item No.	Regulatory Citation	Dates Covered
35	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.7(e) and 112.8(b)	4/30/04 – 5/21/08
36	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.7(e) and (f)	4/30/04 – 8/17/07
37	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.3, 112.20(a) and Part 112 Appendix E Section 3.3.1	4/30/04 – 3/23/05
38	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(e)	4/30/04 – 3/23/05
39	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(e)	4/30/04 – 3/23/05
40	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.8(C)(11)	4/30/04 – 2/14/05
41	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.8(d)(5)	4/30/04 – 8/17/07
42	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.1(d)(2)(ii), 112.3	4/30/04 – 3/23/05
43	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.3(a)	4/30/04 – 3/23/05
44	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.3, 112.20(h)	4/30/04 – 3/23/05
45	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(e), 112.20(h), Part 112 Appendix F Section 1.8	4/30/04 – 3/23/05
46	42 U.S.C. § 11022, EPCRA § 312 as implemented by 40 C.F.R. § 370.25(c)	4/30/04 – 2/25/05
47	42 U.S.C. § 11023, EPCRA § 313 as implemented by 40 C.F.R. § 372.30	4/30/04 – 3/3/05
48	7 U.S.C.A. § 136 j(A)(2)(g), FIFRA § 12(A)(2)(g)	4/30/04 – 3/23/05
49	Not included in Appendix A.	
50	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. §§ 262.11, 262.34(a)(2) and 9 VAC 20-60.A.262.11, 262.34(a)(2)	4/30/04 – 2/11/05
51	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. § 279.22(c) and 9 VAC 20-60.A.279.22(c)	4/30/04 – 2/25/05
52	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 273.13(d), 273.14(e), 273.16; and 9 VAC 20-60.A.273.13(d), 273.14(e), and 273.16.	4/30/04 – 5/21/08

Tab 10.A, Item No.	Regulatory Citation	Dates Covered
53	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. §§ 262.34(c)(2), 265.173(a), 265.173(b) and 9 VAC 20-60.A.262.34(c)(2) and 265.173(a) and (b)	4/30/04 – 3/14/05
54	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.11 and 9 VAC 20-60.A.262.11	4/30/04 – 3/14/05
55	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. § 262.30 and 9 VAC 20-60.A.262.30	4/30/04 – 3/23/05
56	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. § 262.34(a)(1)(i) and 9 VAC 20-60.A.262.34(a)(1)(i)	4/30/04 – 3/3/05
57	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. § 262.11 and 9 VAC 20-60.A.262.11	4/30/04 – 3/23/05
58	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 265.15 and 9 VAC 20-60.A.265.15	4/30/04 – 2/25/05
59	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 265.16(d)(2); and 9 VAC 20-60.A.265.16(d)(2)	4/30/04 – 5/21/08
60	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. §§ 265.52, 265.54 and 9 VAC 20-60.A.262.52 and 262.54	4/30/04 – 3/18/05
61	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.11 and 9 VAC 20-60.A.262.34	4/30/04 – 2/25/05
62	Not included in Appendix A.	
62.1	Not included in Appendix A.	
63	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. §§ 122.41(a), 122.41(l)(8) and VPDES Permit VA0002160, Part I, Page 27	4/30/04 – 1/28/05
64	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.41(a) and VPDES Permit VA0002160, Page 35 Sec 3.b.1, Page 36 Sec 3.b.5.a, Page 38 Sec 4 b.1.e, and Page 39 Sec 4.b.1.k	4/30/04 – 3/7/05
65	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. §§ 122.41(a), 122.26(c)(1)(i)(B) and VPDES Permit VA0002160, Part I, Page 29 paragraph (e) Page 26 Section 2	4/30/04 – 2/7/05
66	Part of the TSCA audit, not part of Appendix A.	
67	Part of the TSCA audit, not part of Appendix A.	
68	Part of the TSCA audit, not part of Appendix A.	
69	Part of the TSCA audit, not part of Appendix A.	
70	42 U.S.C. § 6922(a)(2), RCRA § 3002(a)(2) as implemented by 40 C.F.R. § 279.22(c) and 9 VAC 20-60.A.279.22(c)	4/30/04 – 2/2/05
71	Not included in Appendix A.	

Tab 10.A, Item No.	Regulatory Citation	Dates Covered
72	42 U.S.C. § 6922, RCRA § 3002(a)(2) as implemented by 40 C.F.R. § 279.22(c) and 9 VAC 20-60.A.279.22(c)	4/30/04 – 3/11/05
PE 1	Not included in Appendix A.	
PE 2	Not included in Appendix A	
PE 3	Not included in Appendix A.	

Tab 10.B, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 264 Subpart J	4/30/04 – 10/15/05

Tab 10.C, Item No.	Regulatory Citation	
1	Not included in Appendix A.	
2	Not included in Appendix A.	
3	Not included in Appendix A.	
PE 1	Not included in Appendix A.	

Tab 10.D, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. §§ 7413(a) and 7661a, CAA §§ 113(a), 502(a) as implemented by 40 C.F.R. § 70.6(a)(1) and 9 VAC 5-80-340	4/30/04 – 11/29/04

TABS 11.A - 11.G OF FINAL REPORT: LAPORTE FACILITY

Tab 11.A, Item No.	Regulatory Citation	Dates Covered
1	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. 112, Subpart A	4/30/04 – 10/22/04
2	7 U.S.C. § 136j(a)(2)(g), FIFRA § 12(a)(2)(g)	4/30/04 – 10/22/04
3	7 U.S.C. § 136j(a)(2)(g), FIFRA § 12(a)(2)(g)	4/30/04 – 9/26/04
4	Not included in Appendix A.	
5	42 U.S.C. § 6924(a), RCRA § 3004(a) as implemented by 40 C.F.R. § 265.176 and 30 T.A.C. § 335.112(a)(8)	4/30/04 – 1/5/05

Tab 11.A, Item No.	Regulatory Citation	Dates Covered
6	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.34(c)(1) and 30 T.A.C. § 335.69(d)	4/30/04 – 10/20/04
7	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.34(c) and 30 T.A.C. § 335.69	4/30/04 – 10/13/04
8	42 U.S.C. § 6924(a), RCRA § 3004(a) as implemented by 40 C.F.R. §§ 265.171, 265.173 and 30 T.A.C. § 335.112(a)(8)	4/30/04 – 9/30/04
9	42 U.S.C. § 6924(a), RCRA § 3004(a) as implemented by 40 C.F.R. § 265.52(d) and 30 T.A.C. § 335.112(a)(3)	4/30/04 – 10/22/04
10	42 U.S.C. § 6924(a), RCRA §3004(a) as implemented by 40 C.F.R. § 265.195(c); 30 TAC 335.112(a)(9)	4/30/04 – 10/8/04
11	42 U.S.C. § 6924(a), RCRA § 3004(a) as implemented by 40 C.F.R. § 265.16 and 30 T.A.C. § 335.112(a)(1)	4/30/04 – 10/13/04
12	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. §§ 262.11, 262.40(c) and 30 T.A.C. §§ 335.62, 335.70(a)	4/30/04 – 10/22/04
13	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.34(c)(1) and 30 T.A.C. § 335.69(d)	4/30/04 – 10/29/04
14	42 U.S.C. § 6930(a), RCRA § 3010(a) as implemented by 30 T.A.C. § 335.6	4/30/04 – 10/22/04
15	42 U.S.C.§ 6928(a), RCRA § 3008(a) as implemented by 40 C.F.R. §§ 262.11(b), 262.20(b) and 30 T.A.C. §§ 335.503(b) and 335.10(b)(22)	4/30/04 – 9/30/04
16	Part of TSCA agreement, not included in Appendix A.	
17	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. §§ 63.144(b) and (c) and 30 T.A.C. § 113.120	4/30/04 – 8/25/05
18	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 63.152(c) and 30 T.A.C. § 113.120	5/18/04 – 9/17/04
19	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 63.104(b)(3), (5) and 30 T.A.C. § 113.110	4/30/04 – 9/5/04
20	42 U.S.C. § 112, CAA § 112 as implemented by 40 C.F.R. § 63.181(c) and 30 T.A.C. § 113.130	4/30/04 – 10/9/04
21	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 63.132(g)	4/30/04 – 9/13/04
22	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 63.168(i)(3) and 63.181(b)(7)(ii)	4/30/04 – 9/7/04
23	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 63.10(b)(3) and 30 T.A.C. § 113.100	4/30/04 – 10/31/04

Tab 11.A, Item No.	Regulatory Citation	Dates Covered
24	42 U.S.C. § 7411(a), CAA § 111(a) as implemented by 40 C.F.R. §§ 60.665(l) and 60.705(l)	4/30/04 – 10/29/04
25	Not included in Appendix A.	
26	42 U.S.C. § 7412(r), CAA § 112(r) as implemented by 40 C.F.R. § 68.79	4/30/04 – 10/31/04
27	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. § 101.10	4/30/04 – 10/31/04
28	Not included in Appendix A.	
29	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. § 101.10	4/30/04 – 10/31/04
30	42 U.S.C. §§ 7671b, 7671g, CAA §§ 603, 608 as implemented by 40 C.F.R. § 82.156(i)	4/30/04 – 10/11/04
31	42 U.S.C. §§ 7413, 7661a(a), CAA §§ 113, 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. § 116.110(a)	4/30/04 – 10/31/04
32	Not included in Appendix A.	
33	Not included in Appendix A.	
34	42 U.S.C. § 7412(r), CAA § 112(r),40 C.F.R. §§ 68.160(b)(11), 65.175(k) and 68.180(c)	6/18/04 – 10/31/04
35	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and TCEQ Air Permit No. 2925, Special Condition No. 8.A.	4/30/04 – 1/5/05
35.1	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and TCEQ Air Permit No. 28315, Special Condition No. 8.A.	4/30/04 – 1/5/05
36	Not included in Appendix A.	
37	Not included in Appendix A.	
38	Not included in Appendix A.	
39	Not included in Appendix A.	
40	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by 40 C.F.R. § 122.41(a), Tex. Water Code § 26.121(a), and 30 T.A.C. §§ 335.2(a) and 335.4	4/30/04 – 10/29/04
41	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by TPDES General Permit No. TXR050000, Part II, Section C.3	4/30/04 – 10/31/04
42	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.357	4/30/04 – 4/7/05
PE 1	Not included in Appendix A.	

Tab 11.A, Item No.	**Regulatory Citation**	**Dates Covered**
PE 2	Not included in Appendix A.	
PE 3	Not included in Appendix A.	
PE 4	Not included in Appendix A.	
PE 5	Not included in Appendix A.	
PE 6	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. §§ 63.181(f) and 63.165; and 30 T.A.C. § 113.130	4/30/04 – 10/29/04
PE 6.1	Not included in Appendix A.	
SI 1	42 U.S.C. §§ 7413, 7661a, CAA §§ 113, 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. § 116.110(a)	4/30/04 – 8/31/04
SI 1.1	42 U.S.C. §§ 7413, 7661a, CAA §§ 113, 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. § 106.8(c)	4/30/04 – 12/21/04
SI 2	42 U.S.C. §§ 7413, 7661a, CAA §§ 113, 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. §§ 106.261(a), 106.264(7) and 116.110	4/30/04 – 10/29/04
SI 2.1	42 U.S.C. §§ 7413, 7661a, CAA §§ 113, 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. § 106.8(c)	4/30/04 – 12/21/04

Tab 11.B, Item No.	**Regulatory Citation**	**Dates Covered**
1	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.357(a) and (c)	4/30/04 – 4/7/05
2	Same as Item 1 Above	4/30/04 – 4/7/05

Tab 11.C, Item No.	**Regulatory Citation**	**Dates Covered**
1	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 CFR § 268.7(a)(3)	4/30/04 – 12/29/04
PE 1	Not included in Appendix A	

Tab 11.D, Item No.	**Regulatory Citation**	**Dates Covered**
1	Not included in Appendix A.	
2	Not included in Appendix A.	
3	Not included in Appendix A.	
4	33 U.S.C. §§ 1311(a), 1342, CWA §§ 301(a), 402 as implemented by 40 C.F.R. § 122.41(j) and 30 T.A.C. §§ 281.5, 305.48, 305.45	4/30/04 – 9/30/05

Tab 11.D, Item No.	**Regulatory Citation**	**Dates Covered**
5	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. §§ 116.110(a), 116.116(b)(1)	4/30/04 – 2/8/08
PE 1	Not included in Appendix A.	
PE 2	Not included in Appendix A.	
PE 3	Not included in Appendix A.	
PE 3.1	Not included in Appendix A.	
PE 4	Not included in Appendix A.	
PE 5	Not included in Appendix A.	
PE 6	Not included in Appendix A.	

Tab 11.E, Item No.	**Regulatory Citation**
1	Not included in Appendix A.

Tab 11.G, Item No.	**Regulatory Citation**	**Dates Covered**
1	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. §§ 63.110(a), 63.132-138, 63.144, 63.146, 63.147, 63.152(b)(1); and 30 T.A.C. § 113.120	4/30/04 – 4/22/05
2	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. §§ 63.100, 63.105; and 30 T.A.C. § 113.110	4/30/04 – 4/22/05
3	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. §§ 63.1420, 63.1433, 63.132 – 63.147; and 30 T.A.C. §§ 113.120, 113.720	4/30/04 – 4/22/05
4	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. §§ 63.100, 63.105, 63.1433(b); and 30 T.A.C. §§ 113.110, 113.720	4/30/04 – 4/22/05
5	Not included in Appendix A.	
6	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. §§ 63.1425(f), 63.117(a); and 30 T.A.C. §§ 113.120, 113.720	4/30/04 – 4/22/05
PE 1	Not included in Appendix A	
PE 2	Not included in Appendix A	
PE 3	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 63.152(c); and 30 T.A.C. § 113.120	11/19/04 – 4/22/05

TABS 12.A - 12.F OF FINAL REPORT: SABINE/ORANGE FACILITY

Tab 12.A, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. §§ 63.10(e)(3)(v), 63.152(c) and 30 TAC §§ 113.100, 113.120	5/18/04 – 10/1/04
2	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.10(d)(5)(i) and 30 TAC § 113.100	5/1/04 – 10/1/04
3	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. §§ 63.104(b)(5)-(6) and 30 TAC § 113.110	4/30/04 – 10/1/04
4	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.6(e)(3)(viii) and 30 TAC § 113.100	4/30/04 – 10/1/04
5	42 U.S.C. §§ 7671b, 7671g, CAA §§ 603, 608 as implemented by 40 C.F.R. §§ 82.156(i)(3), 82.166(k), 82.166(m)	7/1/04 – 9/30/04
6	42 U.S.C. §§ 7671b, 7671g, CAA §§ 603, 608 as implemented by 40 C.F.R. § 82.156(i)(2)	4/30/04 – 10/15/04
7	Not included in Appendix A.	
8	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and TCEQ Air Permit No. 1790, Special Condition No. 1.A.	4/30/04 – 8/24/04
9	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6); TCEQ Air Permit No. 1303, Special Condition No. 2; and 30 T.A.C. § 116.115(c)	4/30/04 – 6/22/07
10	42 U.S.C. §§ 7413, 7661a, CAA §§ 113, 502(a) as implemented by 40 C.F.R. § 70.6(a)(6); TCEQ Air Permit No. 1303, Maximum Allowable Emission Rate Table; and 30 T.A.C. § 116.115(b)(2)(F)	4/30/04 – 10/10/04
11	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. §§ 101.10(a) and (d)	(1) 4/30/04 -10/10/04; (2) 4/30/04 – 4/20/07; (3) Not included in Appendix A
12	42 U.S.C. §§ 7413, 7661a(a), CAA §§ 113, 502(a) as implemented by 40 C.F.R. §§ 70.5(c)(3), 70.6(a)(6) and 30 T.A.C. §§ 122.132(a),(e) and (g)	4/30/04 – 3/30/05
13	42 U.S.C. §§ 7413, 7661a(a), CAA §§ 113, 502(a) as implemented by 40 C.F.R. § 70.6(a)(6); TCEQ Air Permit No. 1302, Special Condition No. 1; and 30 T.A.C. § 116.115(b)(2)(f)	4/30/04 – 6/23/08
14	Not included in Appendix A.	

Tab 12.A, Item No.	Regulatory Citation	Dates Covered
15	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and Federal Operating Permit No. O-01868, Special Condition No. 3	8/12/04 – 10/7/04
16	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.5, 70.6(a)(6) and 30 T.A.C. §§ 101.10(a) and 116.110	4/30/04 – 6/23/08
17	42 U.S.C. § 7413 CAA § 113 as implemented by 30 T.A.C. §§ 106.8(c), 106.454(1)(A)(ii), 106.454(1)(F) and 115.412(1)(A),(C), (F)(ii)	4/30/04 – 10/7/04
18	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. §§ 106.454(1)(A)(ii), 106.454(1)(F). 106.454(3)(E), and 115.412(1)(C).	4/30/04 – 10/7/04
19	42 U.S.C. § 7412(r), CAA § 112(r) as implemented by 40 C.F.R. § 68.39(b)	4/30/04 – 10/8/04
20	42 U.S.C. § 7412(r), CAA § 112(r) as implemented by 40 C.F.R. § 68.79(a)	4/30/04 – 12/21/04
21	Not included in Appendix A.	
22	Part of Appendix C, not included in Appendix A.	
23	Part of Appendix C, not included in Appendix A.	
24	Part of Appendix C, not included in Appendix A.	
24.1	Part of Appendix C, not included in Appendix A.	
24.2	Part of Appendix C, not included in Appendix A.	
24.3	Part of Appendix C, not included in Appendix A.	
25	Part of Appendix C, not included in Appendix A.	
26	Not included in Appendix A	
27	Part of Appendix C, not included in Appendix A.	
28	Part of Appendix C, not included in Appendix A.	
29	Part of Appendix C, not included in Appendix A.	

Tab 12.A, Item No.	Regulatory Citation	Dates Covered
30	42 U.S.C. § 7411, CAA § 111 as implemented by 40 C.F.R. Part 60 Appendix F, 30 T.A.C. § 117.313(b) (requiring compliance with quality assurance procedures of 40 C.F.R. Part 60, Appendix F)	4/30/04 – 10/7/04
31	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. § 116.110(a); 30 T.A.C. § 122.132(a), (e) and (g)	4/30/04 – 1/28/05
32	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. § 116.110(a)	4/30/04 – 6/22/07
33	42 U.S.C. § 7411, 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6), 60.13(a) and 60.73(a) and TCEQ Air Permit No. 9468, Special Condition 6	4/30/04 – 9/23/04
34	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. § 101.10(a)	4/30/04 – 10/10/04
35	Not included in Appendix A.	
36	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. § 117.419(a)(1)	4/30/04 – 10/7/04
37	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. § 122.165 and Federal Operating Permit No. O-01350, Special Condition No. 3. A.	7/27/04 – 9/21/04
38	42 U.S.C. § 7411, CAA § 111 as implemented by 40 C.F.R. §§ 60.7(a) and 60.705(a)	4/30/04 – 3/30/05
39	Not included in Appendix A.	
40	42 U.S.C. § 7411, CAA § 111 as implemented by 40 C.F.R. § 60.7(c) and (d)	4/30/04 – 10/14/04
41	Not included in Appendix A.	
42	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 61.145(b)	6/1/04 – 10/14/04
43	Not included in Appendix A.	
44	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. Section 122.41 and TPDES General Permit No. TXR050000, Part II., Section C.3	4/30/04 – 10/4/04
45	Not included in Appendix A.	
46	Not included in Appendix A.	
46.1	Not included in Appendix A.	

Tab 12.A, Item No.	Regulatory Citation	Dates Covered
46.2	Not included in Appendix A.	
46.3	Not included in Appendix A.	
47	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. Section 122.41(1)(8)(overflow from ADN cooling waters); Tex. Water Code § 26.121(a); and 30 T.A.C. §§ 335.2(a) and 335.4	4/30/04 – 9/23/04
47.1	Not included in Appendix A.	
48	42 U.S.C. § 6924(a), RCRA § 3004(a) as implemented by 40 C.F.R. § 266.103(b)(6)(viii)(B)	4/30/04 – 10/7/04
49	42 U.S.C. § 6925, RCRA § 3005 as implemented by 40 C.F.R. § 270.72	4/30/04 – 3/1/05
50	42 U.S.C. § 6926, RCRA § 3006 as implemented by 40 C.F.R. § 279.22(c)(1); 30 T.A.C. § 324.1 (adopting by reference 40 C.F.R. Part 279 – Standards for the Management of Used Oil); and 30 T.A.C. § 324.6	4/30/04 – 8/20/04
51	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.34(c)(1) and 30 T.A.C. § 335.69(d)	4/30/04 – 8/12/04
52	42 U.S.C. § 6925, RCRA § 3005 as implemented by 40 C.F.R. §§ 265.51(a) and 265.52(c)-(d), 30 T.A.C. § 335.112(a)(3) (adopting by reference 40 C.F.R. Part 265, Subpart D - Contingency Plan and Emergency Procedures, except 40 C.F.R. § 265.56(d))	4/30/04 – 10/8/04
53	Not part of Appendix A.	
54	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.34(a) and (b) and 30 T.A.C. § 335.69(a) and (b)	5/7/04 – 8/24/04
55	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34(d)(2) and 30 T.A.C. § 335.69(d)(2)	4/30/04 – 8/13/04
56	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. Part 112, Subpart A	4/30/04 – 10/2/04
56.1	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(c)	4/30/04 – 10/2/04
57	Not part of Appendix A.	
58	42 U.S.C. § 6991b, RCRA § 9003 as implemented by 40 C.F.R. § 144.32(b)	4/30/04 – 10/12/04

Tab 12.A, Item No.	**Regulatory Citation**	**Dates Covered**
59	42 U.S.C. § 6991b, RCRA § 9003 as implemented by 30 T.A.C. § 331.64(a)(1)(A)	4/30/04 – 10/13/04
60	Not part of Appendix A.	
61	7 U.S.C. § 12(a)(2)(g), FIFRA § 12(a)(2)(g) as implemented by 40 CFR § 156.10(a)	4/30/04 – 9/30/04
62	Part of TSCA Audit, Not part of Appendix A.	
PE 1	Not included in Appendix A.	
PE 2	Not included in Appendix A.	
PE 3	Not included in Appendix A.	
PE 4	Not included in Appendix A.	
PE 5	Not included in Appendix A.	
PE 6	Not included in Appendix A.	
PE 7	Not included in Appendix A.	
PE 8	Not included in Appendix A.	
PE 9	Part of Appendix C, not included in Appendix A.	
PE 10	Not included in Appendix A	
PE 11	Not included in Appendix A.	
PE 12	Not included in Appendix A.	
PE 13	Not included in Appendix A.	
PE 14	Not included in Appendix A.	
PE 15	Not included in Appendix A.	
PE 16	Not included in Appendix A.	
PE 17	Not included in Appendix A.	
PE 18	Not included in Appendix A.	
SI 1	Not included in Appendix A.	
SI 2	Not included in Appendix A.	
SI 3	Not included in Appendix A.	

Tab 12.A, Item No.	Regulatory Citation	Dates Covered
SI 4	Not included in Appendix A.	
SI 5	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. §§ 122.145, 146.5	4/30/04 – 9/21/04
SI 6	Not included in Appendix A.	
SI 7	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 265 Part J	4/30/04 – 7/7/04
SI 8	Not included in Appendix A.	
SI 9	Part of Appendix B, not included in Appendix A.	
SI 10	Not included in Appendix A.	
SI 11	Part of Appendix C, not included in Appendix A.	
SI 12	Not included in Appendix A.	

Tab 12.B, Item No.	Regulatory Citation	Dates Covered
1	Not included in Appendix A.	
2	Not included in Appendix A.	
3	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. §63.103(c)(1) and 30 TAC § 113.110	4/30/04 – 3/15/05
4	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 63.104(a) and 30 TAC § 113.110	4/30/04 – 4/1/05
5	Part of Appendix C, not included in Appendix A.	
6	Part of Appendix C, not included in Appendix A.	
7	Part of Appendix C, not included in Appendix A.	
8	42 U.S.C. § 7413, CAA § 113 as implemented by 40 C.F.R. §60.115b(c)(2) and 30 T.A.C. § 116.111(a)(2)(D)	4/30/04 – 3/16/05
9	42 U.S.C. §§ 7413, 7661a, CAA §§ 113, 502(a) as implemented by 40 C.F.R. §§ 65.5(a)(2) and 65.5(c)	10/1/04 – 2/24/05

Tab 12.B, Item No.	**Regulatory Citation**	**Dates Covered**
PE 1	42 U.S.C. § 7412, CAA § 112 as implemented by 40 C.F.R. § 63.6(e)(3)(v) and 30 TAC § 113.100	4/30/04 – 3/16/05

Tab 12.C, Item No.	**Regulatory Citation**	**Dates Covered**
1	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. §§ 122.132(e)(3), 122.142(b)(2)	4/30/04 – 5/24/06
2	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. §§ 115.131(a), 115.132(a)(3), 115.137, 122.132(e)(3) and 122.142(b)(2)	4/30/04 – 5/24/06
3	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. §§ 115.131(a), 115.132(a)(3), 115.137, 122.132(e)(3) and 122.142(b)(2)	4/30/04 – 5/24/06
4	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6)and 30 T.A.C. §§ 115.140, 115.142, 115.146(1), 115.147, 122.132(e)(3) and 122.142(b)(2)	4/30/04 – 5/24/06
5	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. §§ 115.140, 115.142, 115.146(1) and 115.147	4/30/04 – 3/30/05
6	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6)and 30 T.A.C. §§ 115.140, 115.142, 115.146(1), 115.147, 122.132(e)(3) and 122.142(b)(2)	4/30/04 – 5/19/06
7	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. § 122.143(4) - SC. 15. Operating Permit No. 0-01996	4/30/04 – 5/19/06
8	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. § 122.143(4) - SC. 10. Operating Permit No. 0-01868	4/30/04 – 5/24/06
9	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. § § 122.132(e)(3) and 122.142(b)(2)	4/30/04 – 5/19/06
10	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. §§ 122.132(e)(3) and 122.142(b)(2)	4/30/04 – 5/19/06

Tab 12.C, Item No.	**Regulatory Citation**	**Dates Covered**
11	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and 30 T.A.C. § 115.126(3)	4/30/04 – 5/19/06

Tab 12.E, Item No.	**Regulatory Citation**	**Dates Covered**
1	Part of Appendix C, not included in Appendix A.	
2	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6), 70.10(b)(5), 30 T.A.C. §§ 122.132(e)(3) and 122.142(b)(2)	4/30/04 – 5/24/06
3	42 U.S.C. § 7601a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(3), 30 T.A.C. § 122.143(4) - SC. 10 and Texas Operating Permit No. 0-01868	4/30/04 – 5/24/06
4	42 U.S.C. § 7601a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(3) and 30 TAC § 115.143(c)(3)	4/30/04 – 3/30/05
5	42 U.S.C. § 7601a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(3) and 30 T.A.C. § 116.116(c); NSR Permit No. 1302, Special Condition 6	4/30/04 – 6/23/08
6	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. § 106.8(c)	4/30/04 – 5/21/05
7	42 U.S.C. § 7601a(a), CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(3) and TCEQ Air Permit No. 1468, Special Condition No. 7; 40 C.F.R. § 60.45(c)(5)	4/30/04 – 5/23/08
8	42 U.S.C. § 7413, CAA § 113 as implemented by 30 T.A.C. § 106.8(c)	4/30/04 – 7/25/05
9	Not included in Appendix A.	
10	Not included in Appendix A.	

Tab 12.F, Item No.	**Regulatory Citation**
1	Not included in Appendix A.

2	Not included in Appendix A.
3	Not included in Appendix A.
4	Not included in Appendix A.
5	Not included in Appendix A.

TABS 13.A – 13.E OF FINAL REPORT: VICTORIA FACILITY

Tab 13.A, Item No.	Regulatory Citation	Dates Covered
1	Part of Appendix C, not part of Appendix A.	
2	Part of Appendix C, not part of Appendix A.	
3	Part of Appendix C, not part of Appendix A.	
4	Part of Appendix C, not part of Appendix A.	
5	Part of Appendix C, not part of Appendix A.	
5.1	Part of Appendix C, not part of Appendix A.	
5.2	Part of Appendix C, not part of Appendix A.	
5.3	Part of Appendix C, not part of Appendix A	
5.4	Part of Appendix C, not part of Appendix A.	
6	Part of Appendix C, not part of Appendix A.	
7	Part of Appendix C, not part of Appendix A.	
8	Not included in Appendix A.	
9	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. § 68.79(a)	4/30/04 – 9/24/04
10	Not part of Appendix A.	
11	42 U.S.C. §§ 7414, 7671b, CAA §§ 114, 603 as implemented by 40 C.F.R. § 82.162(a)	4/30/04 – 9/24/04
12	42 U.S.C. §§ 7413(a), CAA § 113(a) as implemented by 30 T.A.C. §§ 101.10(a) and (d)	4/30/04 – 8/4/04

Tab 13.A, Item No.	Regulatory Citation	Dates Covered
13	42 U.S.C. §§ 7413(a), CAA § 113(a) as implemented by 30 T.A.C. §§ 101.10(a) and (d)	4/30/04 – 9/22/04
14	Not included in Appendix A.	
15	42 U.S.C. §§ 7661a and 7413(a), CAA § 113(a) and 502(a) as implemented by 30 T.A.C. §§ 116.110(a) and 106.264	4/30/04 – 10/15/04
16	42 U.S.C. §§ 7413(a), 7661a(a), CAA § 113(a), 502(a) as implemented by 40 C.F.R. § 70.6(a)(3) and 30 T.A.C. § 106.8(c)	4/30/04 – 10/15/04
16.1	42 U.S.C. §§ 7413(a), 7661a,(a) CAA § 113(a), 502(a) as implemented by 40 C.F.R. § 70.6(a)(3); 30 T.A.C. § 116.110(a)	4/30/04 – 9/24/04
17	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.5(c)(5) and 30 TAC §§ 115.132(b)(1),122.132, 122.136(b)	4/30/04 – 10/15/04
18	42 U.S.C. §§ 7413(a), 7661a(a), CAA §§ 113(a), 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(1) and (a)(3) and TCEQ Air Permit No. 812, Special Conditions No. 4, 6, 11.C, and 11.D	4/30/04 – 9/29/05
19	42 U.S.C. §§ 7413, 7661a, CAA §§ 113(a), 502(a) as implemented by 40 C.F.R. § 70.6(a)(1) and TCEQ Air Permit No. 813, Special Condition No. 4	4/30/04 – 10/12/05
20	42 U.S.C. § 7411(e), CAA § 111(e) as implemented by 40 C.F.R. § 60.40(c); 30 T.A.C. § 116.111(a)(2)(D); and TCEQ Air Permits No. 812 and 813	4/30/04 – 9/29/05
20.1	42 U.S.C. § 7411(e), CAA § 111(e) as implemented by 40 C.F.R. § 60.40(c); 30 T.A.C. § 116.111(a)(2)(D); and TCEQ Air Permits No. 812 and 813	4/30/04 – 5/25/06
21	42 U.S.C. §§ 7413(a) and 7661a, CAA §§ 113(a), 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(1), (a)(3); TCEQ Air Permit No. 23271, Special Condition No. 5; TCEQ Air Permit No. 20011, Special Condition No. 2; and TCEQ Air Permit No. 7186, Special Condition No. 5	4/30/04 – 9/22/05
22	Not included in Appendix A.	
22.1	42 U.S.C. §§ 7411(e), 7413(a), and 7661a, CAA §§ 111(e), 113(a), 502(a) as implemented by 40 C.F.R. § 70.6(a)(1) and TCEQ Air Permit No. 812, Special Condition No. 5.	4/30/04 – 9/29/05

Tab 13.A, Item No.	Regulatory Citation	Dates Covered
23	Not included in Appendix A.	
24	42 U.S.C. §§ 7413(a), 7661a, CAA §§ 113(a), 502(a) as implemented by 40 C.F.R. § 70.6(a)(3) and 30 T.A.C. § 116.110(a)	4/30/04 – 9/22/04
25	42 U.S.C. §§ 7413(a), 7661a, CAA §§ 113(a), 502(a) as implemented by 40 C.F.R. § 70.6(a)(3); 30 T.A.C. § 116.110(a) and Texas PBR Regist. No. 73819	4/30/04 – 9/22/04
26	Part of Appendix C, not included in Appendix A.	
27	Part of Appendix C, not included in Appendix A.	
28	Not included in Appendix A.	
29	Not included in Appendix A.	
29.1	Not included in Appendix A.	
30	Not included in Appendix A.	
30.1	Not included in Appendix A.	
31	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.10(b)(3) and 30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A - General Provisions)	4/30/04 – 9/24/04
32	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.10(d)(5)(i) and 30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A - General Provisions)	4/30/04 – 9/16/04
33	Not included in Appendix A.	
34	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.113(a)(2) and 30 T.A.C. §§ 115.122(b), 113.120	4/30/04 – 9/9/04
35	Not included in Appendix A.	
36	42 U.S.C. §§ 7413(a) and 7661a, CAA § 113(a) and 502(a) as implemented by 40 C.F.R. § 70.6(a)(3) and 30 T.A.C. §§ 116.110(a), 106.454(1)(A)(ii)	4/30/04 – 7/9/07
37	42 U.S.C. §§ 7413(a), 7661a(a), CAA §§ 113(a), 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(1), 70.6(a)(3) and 30 T.A.C. §§ 116.110(a), 106.433, 106.436	4/30/04 – 8/31/04

Tab 13.A, Item No.	Regulatory Citation	Dates Covered
38	Not included in Appendix A.	
39	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.20(e)	4/30/04 – 9/17/04
40	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(a)	4/30/04 – 11/15/04
41	Not included in Appendix A.	
42	42 U.S.C. §§ 7414, 7671b, CAA §§ 114, 603 as implemented by 40 C.F.R. §§ 82.166 (k), 82.166(m)	4/30/04 – 9/9/04
43	Not included in Appendix A.	
44	Not included in Appendix A.	
45	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.22(b) and 30 T.A.C. § 305.128	4/30/04 – 9/16/04
46	Not included in Appendix A.	
47	42 U.S.C. § 6925(b), RCRA § 3005(b) as implemented by 266.103(b)(6)(viii)(B) and 30 T.A.C. § 335.224(5)(H)(ii)	4/30/04 – 8/25/04
48	Not included in Appendix A.	
49	Not included in Appendix A.	
50	42 U.S.C. § 6991a(a)(3) as implemented by 40 C.F.R. § 280.22 and 30 T.A.C. § 334.7(d)	4/30/04 – 9/10/04
51	Not included in Appendix A.	
52	Not included in Appendix A.	
53	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 262.34(c)(1) and 30 T.A.C. §§ 335.69(a), 335.69(b)	4/30/04 – 8/25/04
54	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 262.34(c)(1), 265.173(a) and 30 TAC §§ 335.69(a) and 335.112(a)(8)	4/30/04 – 9/15/04
55	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 265.174 and 30 TAC § 335.112(a)(8)	4/30/04 – 8/25/04

Tab 13.A, Item No.	Regulatory Citation	Dates Covered
56	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. §§ 265.51(a), 265.54 and 30 TAC § 335.112(a)(3)	4/30/04 – 8/25/04
57	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 265.35 and 30 TAC § 335.112(a)(2)	7/15/04 – 7/16/04
58	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 265.15(d) and 30 TAC § 335.112(a)(1)	4/30/04 – 8/24/04
59	Not included in Appendix A.	
60	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. § 279.22(c)(1) and 30 TAC § 324.1	4/30/04 – 7/26/04
61	42 U.S.C. § 6991b(c) as implemented by 40 C.F.R. § 280.34 and 30 T.A.C. §§ 334.10(b)(2)(B)(ii) and (vii), 334.46(i)(2)(C)(i), and 334.51(c)(2)(B)	4/30/04 – 9/15/04
62	42 U.S.C. § 6991b(c) as implemented by 40 C.F.R. § 280.45; 30 TAC §§ 334.10(b)(2)(B)(vi), 334.50(e)(2)(B)	4/30/04 – 9/10/04
63	33 U.S.C. §§ 1311(a), CWA § 301(a) as implemented by 40 C.F.R. §§ 117.12, 122.21(g)(3), TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4; TPDES Permit No. 00476, Conditions 1(a) and 2(g)	4/30/04 – 5/28/08
64	33 U.S.C. §§ 1311(a), 1321(b), CWA §§ 301(a), 311(b) as implemented by 40 C.F.R. Sections 117.12 and 122.21(g)(3); TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4; TPDES Permit No. 00476, Conditions 1(a) and 2(g)	4/30/04 – 5/28/08
65	Part of TSCA Audit, not included in Appendix A.	
66	Part of TSCA Audit, not included in Appendix A.	
67	Part of TSCA Audit, not included in Appendix A.	
68	Part of TSCA Audit, not included in Appendix A.	
69	33 U.S.C. § 1311(a) , CWA § 301(a) as implemented by 40 C.F.R. § 122.41(j)(3), TPDES Permit No. 00476 and 30 T.A.C. § 305.125(11)(C)	4/30/04 – 9/15/04
70	Not included in Appendix A.	

Tab 13.A, Item No.	Regulatory Citation	Dates Covered
70.1	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(3) and 70.6(a)(6) and 30 T.A.C. §§ 101.201(a)(1) and (b)	4/30/04 – 9/10/04
71	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(3), 70.6(a)(6) and TCEQ Air Permit No. 810, Special Condition No. 1	4/30/04 – 2/23/09
72	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.5, 70.6(a)(6); 30 T.A.C. §§101.10(a), 101.10(d); and NSR Permit No. 9560	4/30/04 – 8/4/04
73	42 U.S.C. § 6922(a)(5), RCRA § 3002(a)5) as implemented by 40 C.F.R. § 262.20 and 30 T.A.C. § 335.10	4/30/04 – 6/24/04
73.1	42 U.S.C. § 6925, RCRA § 3005 as implemented by 40 C.F.R. §§ 265.191, 265.195 and 30 T.A.C. §§ 335.112(a)(9), 335.69(a)(1)(B)	4/30/04 – 1/31/05
74	Not part of Appendix A.	
74.1	42 U.S.C. § 6922, RCRA § 3002 as implemented by 40 C.F.R. Part 265, Subpart J; 30 T.A.C. § 335.69 (a)(1)(B); 30 T.A.C. § 335.112(a)(9) (adopting by reference 40 C.F.R. Part 60, Subpart J – Tank Systems)	4/30/04 – 1/31/05
PE 1	Not included in Appendix A.	
PE 2	Not included in Appendix A.	
PE 3	Not included in Appendix A.	
PE 4	Not included in Appendix A.	
PE 5	Not included in Appendix A.	
PE 6	Not included in Appendix A.	
PE 7	Part of TSCA Audit, not included in Appendix A.	
SI 1	42 U.S.C. § 7661a(a), CAA § 502(a), as implemented by 40 C.F.R. §§ 70.5, 70.6(a)(6); 30 T.A.C. § 116.110(a); and TCEQ Air Permit No. 809	4/30/04 – 8/12/04

Tab 13.A, Item No.	Regulatory Citation	Dates Covered
SI 2	42 U.S.C. § 7661a(a), CAA § 502(a), as implemented by 40 C.F.R. §§ 70.5, 70.6(a)(6); 30 T.A.C. § 116.110(a); and TCEQ Air Permit No. 9560	4/30/04 – 8/12/04

Tab 13.B, Item No.	Regulatory Citation	Dates Covered
1	40 C.F.R. § 63.100(b), 63.107(h), 63.151(e), 63.152(a)(2), 63.152(b), 63.152(c)	4/30/04 – 5/18/07
2	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.6(e)(3)(i)	4/30/04 – 3/1/05
2.1	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. §§ 63.107(a), and 63.133 thru 63.118	4/30/04 – 4/20/05
3	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. §§ 63.6(e)(3)(iii), 63.103(c)(2) and 63.10(d)(5)(i)	4/30/04 – 3/1/05
4	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.6(e)(3)(viii)	4/30/04 – 3/1/05
5	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.105(b)(1)-(3)	4/30/04 – 3/1/05
6	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.103(e)	4/30/04 – 12/21/04
7	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.152(c)	5/14/04 – 12/23/04
8	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.147(d)(1)	6/29/04 – 1/19/05
9	Part of Appendix C, not included in Appendix A.	

Tab 13.C, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. §§ 7413(a) and 7414(a), CAA §§ 113(a) and 114(a) as implemented by 30 T.A.C § 101.201(a)(1)	6/29/04 – 12/20/04

Tab 13.D, Item No.	Regulatory Citation	Dates Covered
1	42 U.S.C. § 7411(e), 7661a, CAA §§ 111(e), 502(a) as implemented by 40 C.F.R. Part 60, Subpart Kb; 40 C.F.R. §§ 60.113b, 60.115b and 60.116b	4/30/04 – 7/29/05
2	Part of Appendix C, not included in Appendix A.	
3	Not included in Appendix A.	
4	Not included in Appendix A.	
5	Not included in Appendix A.	
6	Section 7661a, CAA Section 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(3) and 70.6(a)(6)/ 70.10(b)(5) and TCEQ Air Permit No. 7186, Special Condition No. 1	4/30/04 – 4/8/08
7	Not included in Appendix A.	
8	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6) and TCEQ Air Permit No. 20011, General Condition No. 8	4/30/04 – 5/21/08
9	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.5(a) and 30 T.A.C. § 116.110(a)	4/30/04 – 9/16/05
10	42 U.S.C. § 7411(e), 7661a, CAA §§ 111(e), 502(a) as implemented by 40 C.F.R. Part 60, Subpart Kb; 40 C.F.R. §§ 60.113b, 60.115b and 60.116b	4/30/04 – 7/29/05
11	42 U.S.C. § 7414(a), CAA § 114(a) as implemented by 40 C.F.R. § 60.665(l)	4/30/04 – 7/28/05
12	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6); 30 T.A.C. § 116.116(b)(1); and TCEQ Air Permit No. 7186, Special Condition No. 1	4/30/04 – 4/8/08
13	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6); 30 T.A.C. § 116.116(b)(1); and TCEQ Air Permit No. 7186, Special Condition No. 1	4/30/04 – 4/8/08
14	42 U.S.C. § 7661a, CAA § 502(a) as implemented by 40 C.F.R. § 70.6(a)(6); 30 T.A.C. § 116.116(b)(1); and TCEQ Air Permit No. 7186, Special Condition No. 1	4/30/04 – 4/8/08

Tab 13.D, Item No.	Regulatory Citation	Dates Covered
15	Not included in Appendix A.	

Tab 13.E, Item No.	Regulatory Citation	Dates Covered
1	Part of Appendix B, not included in Appendix A.	
2	Part of Appendix B, not included in Appendix A.	
3	Part of Appendix B, not included in Appendix A.	
4	Part of Appendix B, not included in Appendix A.	
5	Part of Appendix B, not included in Appendix A.	

TABS 14.A AND 14.B OF FINAL REPORT:
Summary of INVISTA TSCA Export Notifications for Disclosure to EPA

Tab 14.A, Item No.	Regulatory Citation
All Items	Part of TSCA Audit, not included in Appendix A.

Tab 14.B, Item No.	Regulatory Citation
All Items	Part of TSCA Audit, not included in Appendix A.

TAB 15 OF FINAL REPORT:
EPCRA Items

Tab 15, Facility	Tab 15, Item No.	Regulatory Citation	Dates Covered
Victoria	1	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.25	4/30/04 – 7/31/04

Tab 15, Facility	Tab 15, Item No.	Regulatory Citation	Dates Covered
Victoria	2	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 10/22/04
Victoria	3	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 10/22/04
Victoria	4	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30(a)	4/30/04 – 10/22/04
Sabine	1	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 10/4/04
Sabine	2	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.21(c)(2)	4/30/04 – 10/4/04
Sabine	3	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.25 (a) and (b)	4/30/04 – 10/4/04
Sabine	4	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.25(a) and (b)	4/30/04 – 10/4/04
LaPorte	1	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 10/26/04
LaPorte	2	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 10/29/04
Seaford	1	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.25	4/30/04 – 11/29/04
Seaford	2	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 11/29/04
Seaford	3	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 11/29/04
Seaford	4	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 11/29/04
Waynesboro	1	42 U.S.C. §§ 11022(a) and (d)(2), EPCRA §§ 312(a) and (d)(2) as implemented by 40 C.F.R. § 370.25	4/30/04 – 11/29/04
Waynesboro	2	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.41	4/30/04 – 11/29/04
Waynesboro	3	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.25	4/30/04 – 11/29/04
Waynesboro	4	42 U.S.C. §§ 11022(a) and (d)(2), EPCRA §§ 312(a) and (d)(2) as implemented by 40 C.F.R. §§ 370.25, 370.41	4/30/04 – 11/29/04

Tab 15, Facility	Tab 15, Item No.	Regulatory Citation	Dates Covered
Waynesboro	5	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 11/29/04
Waynesboro	6	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 11/29/04
Waynesboro	7	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 11/29/04
Waynesboro	8	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 11/29/04
Waynesboro	9	42 U.S.C. § 9603, CERCLA § 103 and 42 U.S.C § 11004, EPCRA § 304 as implemented by 40 C.F.R § 302.8 and § 355.40	4/30/04 – 2/16/05
Chattanooga	1	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.25	4/30/04 – 12/13/04
Chattanooga	2	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 12/13/04
Chattanooga	3	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Chattanooga	4	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Chattanooga	5	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Chattanooga	6	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Chattanooga	7	42 U.S.C. § 9603, CERCLA § 103 and 42 U.S.C § 11004, EPCRA § 304 as implemented by 40 C.F.R § 302.8 and § 355.40	4/30/04 – 1/7/05
Chattanooga	8	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 12/13/04
Camden	1	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.25	4/30/04 – 12/13/04
Camden	2	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 12/13/04
Camden	3	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 12/13/04

Tab 15, Facility	Tab 15, Item No.	Regulatory Citation	Dates Covered
Camden	4	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 12/13/04
Camden	5	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Camden	6	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Camden	7	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Camden	8	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Camden	9	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Camden	10	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Camden	11	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Camden	12	42 U.S.C. § 11022(d)(2), EPCRA § 312(d)(2) as implemented by 40 C.F.R. § 370.41	4/30/04 – 12/13/04
Camden	13	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/13/04
Camden	14	42 U.S.C. § 9603, CERCLA § 103 and 42 U.S.C § 11004, EPCRA § 304 as implemented by 40 C.F.R § 302.8 and § 355.40	4/30/04 – 2/16/05
Athens	1	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.25	4/30/04 – 12/13/04
Kinston	1	42 U.S.C. § 11022(a), EPCRA § 312(a) as implemented by 40 C.F.R. § 370.25	4/30/04 – 12/15/04
Kinston	2	42 U.S.C. § 11023(g)(1), EPCRA § 313(g)(1) as implemented by 40 C.F.R. § 372.30	4/30/04 – 12/15/04

TAB 16 from FINAL REPORT:
KINSTON/KENTEC FACILITY

Tab 16, Item No.	Regulatory Citation	Dates Covered

Tab 16, Item No.	**Regulatory Citation**	**Dates Covered**
1	33 U.S.C. § 1311(a), CWA § 301(a) as implemented by 40 C.F.R. § 122.26 and 15A NCAC 02H.0100	4/30/04 – 9/29/04
2	33 U.S.C. §§ 1311(a), 1342(b)(1)(D), CWA §§ 301(a), 402(b)(1)(D) as implemented by 40 C.F.R. § 123.28 and 15A NCAC 2C.0200	4/30/04 – 10/21/04
3	42 U.S.C. § 6922(a), RCRA § 3002(a) as implemented by 40 C.F.R. § 262.34, 15A NCAC 13A.0107	4/30/04 – 7/10/04
4	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.5(b), 112.5(c)	4/30/04 – 9/29/04
5	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.20(a)	4/30/04 – 10/15/04
6	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. § 112.7(c)	4/30/04 – 1/28/05
7	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §§ 112.7(c), 112.8(b)(1)	4/30/04 – 10/8/04
8	33 U.S.C. § 1321(b)(7)(C), CWA § 311(b)(7)(C) as implemented by 40 C.F.R. §112.8(c)(8)	4/30/04 – 10/21/04
9	29 U.S.C. § 654, OSHA § 5 as implemented by 29 C.F.R. § 1910.1001	4/30/04 – 8/2/04
10	Not included in Appendix A.	
Exceptions Identified Outside Audit for Kinston, Item1	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(3)(ii), 70.6(a)(6), Part I, 2.1 F.4. b., d. and g. of Title V operating permit No. 09427T02 and 15A NCAC 2D.0521	4/30/04 – 6/28/04
Exceptions Identified Outside Audit for Kinston, Item 2	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(3)(ii), 70.6(a)(6), Part I, 2.1 F.1. f. ii. and g. of Title V operating permit No. 09427T02 and 15A NCAC 2D.0503	4/30/04 – 6/28/04

Tab 16, Item No.	**Regulatory Citation**	**Dates Covered**
Exceptions Identified Outside Audit for Kinston, Item 3	42 U.S.C. § 7661a(a), CAA § 502(a) as implemented by 40 C.F.R. §§ 70.6(a)(3)(ii), 70.6(a)(6), Part I, 2.2 B. 1. b. and c. of Title V operating permit No. 09427T02 and 15A NCAC 2D.0958	4/30/04 – 6/28/04
Kentec, Item 1	Not included in Appendix A.	
Kentec, Item 2	Not included in Appendix A.	
Kentec, Item 3	Not included in Appendix A.	

Appendix B

APPENDIX B – PSD/NNSR AND NSPS AUDIT FINDINGS

TAB 5.B OF FINAL AUDIT REPORT: CAMDEN FACILITY

Audit Finding Number	Regulatory Citation	Project (Pollutant)
Tab 5.B, Item 1	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61-62.5 Standard 7 (a)(2)(iii), (j)(3), (k) and (m)	Camden Dowtherm Vaporizer No. 4 T-Thermal Burner Upgrade, March 1997 (NO_x and SO_2)
Tab 5.B, Item 2	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61-62.5 Standard 7 (a)(2)(iii), (j)(3), (k) and (m)	Nylon Batch Clave, Installation of Autoclaves, 1997- 98 (SO_2)
Tab 5.B, Item 3	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61-62.5 Standard 7 (a)(2)(iii), (j)(3), (k) and (m)	Camden Dowtherm Vaporizer No. 2 Retube, 1999 (NO_x and SO_2)
Tab 5.B, Item 4	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61-62.5 Standard 7 (a)(2)(iii), (j)(3), (k) and (m)	Camden Boiler No. 3 Retube, 2001 (NO_x and SO_2)
Tab 5.B, Item 5	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61-62.5 Standard 7 (a)(2)(iii), (j)(3), (k) and (m)	Camden Downtherm Vaporizer No. 3 Retube, 2003 (NO_x and SO_2)
Tab 5.B, Item 6	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61-62.5 Standard 7 (a)(2)(iii), (j)(3), (k) and (m)	T-93 Project, Installation of Eight Spinning Machines, 2001-04 (NO_x and SO_2)

TAB 6.B OF FINAL AUDIT REPORT: CHATTANOOGA FACILITY

Audit Finding Number	Regulatory Citation	Project (Pollutant)
Tab 6.B, Item 1	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); Chattanooga Air Pollution Control Ordinance §4-41, Rule 18.1(c) (applicable until December 12, 2007).	Dowtherms 1-5 Upgrades, 1998 (SO_2)
Tab 6.B, Item 2	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); Chattanooga Air Pollution Control Ordinance §4-41, Rule 18.1(c) (applicable until December 12, 2007).	T-95 Project, 1997-2000 (NO_x and SO_2)
Tab 6.B, Item 3	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); Chattanooga Air Pollution Control Ordinance §4-41, Rule 18.1(c) (applicable until December 12, 2007).	T-37 to T-74 Conversion Project, 1997 (SO_2)

TAB 9.B OF FINAL REPORT: SEAFORD FACILITY

Audit Finding Number	Regulatory Citation	Project (Pollutant)
Tab 9.B, Item 1	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); DE Reg. No. 1125 §§ 3.6, 3.7, 3.8, 3.11.2, 3.11.3, and 3.15	Seaford Dowtherm Vaporizer No. 2 Retube, 2000 (SO_2)
Tab 9.B, Item 2	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); DE Reg. No. 1125 §§ 3.6, 3.7, 3.8, 3.11.2, 3.11.3, and 3.15	Phase I and Phase 2 Autoclave Replacement Projects, 2001 (SO_2)

Audit Finding Number	Regulatory Citation	Project (Pollutant)
Tab 9.B, Item 3	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 42 U.S.C. §§ 7502-7503, CAA §§172-173 as implemented in 40 C.F.R § 51.165(a) and (b) and 40 C.F.R. § 52.24; DE Reg. No. 1125 §§ 2.4, 3.6, 3.7, 3.8, 3.11.2 , 3.11.3, and 3.15	Seaford Boiler #1 Retube, 2002 (NO_x, SO_2, and PM)

TAB 12.A OF FINAL AUDIT REPORT SABINE/ORANGE FACILITY

Audit Finding Number	Regulatory Citation	Project (Pollutant)
Tab 12.A, Self-Identified Item 9	42 U.S.C. § 7411(b), CAA § 111(b) as implemented in 40 C.F.R.§§ 60.18, 63.11; 30 TAC § 116.121(a)(2)	HCN Start Up Flare (NSPS)

TAB 13 OF FINAL AUDIT REPORT: VICTORIA FACILITY

Audit Finding Number	Regulatory Citation	Project (Pollutant)
Tab 13.E, Item 1	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160, 116.111(a)(2)(C), and 116.162	Nylon Expansion 1993-1995: changes at the ADN and Nitric Acid processes, cooling tower, and APH and DPH boilers (NO_x)
Tab 13.E, Item 2	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160, 116.111(a)(2)(C), and 116.162	Cogeneration Turbine Buckets Replacement 1998-99 (NO_x)
Tab 13.E, Item 3	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160, 116.111(a)(2)(C), and 116.162	Deepwell Elimination 1996-2000; changes at HMD, C-12, ADN, and Adipic Acid processes and APH and DPH boilers; construction of new biotreatment plant (NO_x)

Audit Finding Number	**Regulatory Citation**	**Project (Pollutant)**
Tab 13.E, Item 4	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160, 116.111(a)(2)(C), and 116.162	C12 Expansion Project 1998; changes at flare and increase at boilers (NOx)
Tab 13.E, Item 5	42 U.S.C. § 7475(a), CAA § 165(a) as implemented in 40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160, 116.111(a)(2)(C), and 116.162	HMD Unit Expansion 1996-2001 (NO_x)

Appendix C

Appendix C -- Summary of Benzene NESHAP and LDAR Audit Findings

TAB 12 from the Final Report
Orange, Texas Facility

Audit Finding Number	Regulatory Citation	Description
Tab 12.A, Item 22	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.357	Benzene NESHAP
Tab 12.A, Item 23	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.348(a), 61.354 and 61.355	Benzene NESHAP
Tab 12.A, Item 24	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. §§ 61.342(b), 61.355(b)	Benzene NESHAP
Tab 12.A, Item 24.1	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.342 - 61.357	Benzene NESHAP
Tab 12.A, Item 24.2	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.343 -.347, 61.354 and 61.357	Benzene NESHAP
Tab 12.A, Item 24.3	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.354	Benzene NESHAP
Tab 12.A, Item 25	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.349(a)(2)(i)(C)	Benzene NESHAP
Tab 12.A, Item 26	Not Included in Appendix C	Benzene NESHAP
Tab 12.A, Item 27	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.342 and 61.355	Benzene NESHAP
Tab 12.A, Item 28	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.343(c), (e)(1) and 61.345(a)(3)(ii)(A) and (b)	Benzene NESHAP
Tab 12.A, Item 29	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.342(f)(2) and 61.356	Benzene NESHAP
Tab 12.A, Item PE9	42 U.S.C. § 7412, CAA § 112, as implemented by 40 C.F.R. Part 61, Subpart FF	Benzene NESHAP
Tab 12.A, Item SI 11	42 U.S.C. § 7412(d), CAA § 112(d), as implemented by 40 C.F.R. §§ 61.343(a), (e)(1)	Benzene NESHAP
Tab 12.B, Item 5	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §63.148	LDAR

Audit Finding Number	Regulatory Citation	Description
Tab 12.B, Item 6	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 63.160, 63.181 and 63.182	LDAR
Tab 12.B, Item 7	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 60.112b(a)(3)(i), 60.485(b)	LDAR
Tab 12.E, Item 1	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 60.632, 60.635 and 60.636	LDAR

TAB 13 from the Final Report
Victoria, Texas Facility

Audit Finding Number	Regulatory Citation	Description
Tab 13.A, Item 1	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.348(a)(3)	Benzene NESHAP
Tab 13.A, Item 2	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.342 and 61.355	Benzene NESHAP
Tab 13.A, Item 3	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.355(b)	Benzene NESHAP
Tab 13.A, Item 4	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.342(c)(2)	Benzene NESHAP
Tab 13.A, Item 5	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.342(c)(1)(ii)	Benzene NESHAP
Tab 13.A, Item 5.1	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.342 - 61.357	Benzene NESHAP
Tab 13.A, Item 5.2	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.343, 61.346, 61.347, 61.349 and 61.357	Benzene NESHAP
Tab 13.A, Item 5.3	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.348, 61.354, 61.355, and 61.357	Benzene NESHAP
Tab 13.A, Item 5.4	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 61.354(d) and 61.357(d)(7)(iv)(I)	Benzene NESHAP
Tab 13.A, Item 6	442 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. Part 61, Subpart FF	Benzene NESHAP
Tab 13.A, Item 7	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. § 61.356(e)	Benzene NESHAP
Tab 13.A, Item 26	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.152(c) and 30 T.A.C. § 113.120	Benzene NESHAP

Audit Finding Number	**Regulatory Citation**	**Description**
Tab 13.A, Item 27	42 U.S.C. § 7412(b), CAA § 112(b) as implemented by 40 C.F.R. § 63.147(b)(8) and 30 T.A.C. § 113.120	Benzene NESHAP
Tab 13.B, Item 9	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. §§ 63.100(e)(3) and 63.160(a)	LDAR
Tab 13.D, Item 2	42 U.S.C. § 7412(i), CAA § 112(i) as implemented by 40 C.F.R. Part 60, Subpart KKK; 40 C.F.R. §§ 60.632, 60.635 and 60.636	LDAR

Appendix D

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Voluntary Disclosures for Athens, Georgia
Final Report -- January 31, 2006

TAB 3

Item	Regulatory Citation	Brief Description of the Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
1	Land Application Permit # GA01-405	The facility is required to monitor groundwater wells on a quarterly basis around the land application area. Analyses are to include: nitrate, specific conductivity, pH, and depth to groundwater.	The facility is monitoring the wells annually for the following parameters: specific conductivity, depth to groundwater, pH, specific gravity, total dissolved solids, total suspended solids, ammonia as nitrogen, total phosphorus, COD, BOD, nitrate, total organic carbon, and oil & grease. No document was found in the file relative to a modification allowing a reduction in monitoring frequency. The facility has not land applied any waste in the last 10 years.	The facility began submitting quarterly monitoring of groundwater wells as required by the permit. Affected personnel were trained on the monitoring requirements.	5/3/05	7/1/05	6/30/05	B,F
2	Storm Water General Permit GAR00000	The facility is required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the permit's provisions.	The facility has prepared a SWPPP, but the plan has eleven miscellaneous technical deficiencies.	The facility amended the SWPPP to address the deficiencies noted. Affected personnel were trained per the revised SWPPP.	5/3/05	7/1/05	6/29/05	A,F

Item	Regulatory Citation	Brief Description of the Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
3	Cross Connection Control Ordinance Section 6: Section F: page 6-11, Section G: page 6-13.	The facility is required to inspect backflow protection devices annually.	The facility received notification from the Athens Clarke County Cross Connection Coordinator, dated March 1, 2005, requiring the "annual" test of the backflow prevention devices. The notice provided information of test requirements and a list of devices to be tested. The test results were to be submitted to the City by March 31, 2005. The notice was not directed to the person, or persons, responsible for arranging the tests, and no action was taken. The facility received the second notice requiring completion of the test(s) and submittal of the results by May 4, 2005. NOTE: a contractor has been engaged to test the device 5/4/05. It should also be noted that there is no record of the facility having tested, or of being required to test, the backflow prevention device in prior years.	The facility engaged a certified contractor to complete the required back flow protection device inspection and submitted the results to the County on 5/4/05.	5/3/05	7/1/05	5/4/05	B,F
4	7 U.S.C.A. § 136 j (A)(2)(g) (Federal Insecticide, Fungicide and Rodenticide Act)	Section 136 j (A) (2) (g) of the Federal Insecticide, Fungicide and Rodenticide Act provides that "it shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling"	The label for the registered pesticide (Biosperse 250) used in water treatment indicates the containers should be triple rinsed and recycled or punctured prior to disposal in a sanitary landfill. Personnel indicated that the containers are triple rinsed but are not punctured prior to disposal.	The facility prepared a procedure to appropriately dispose of the pesticide containers. Affected personnel were trained on the procedure.	5/3/05	7/1/05		B,F

Item	Regulatory Citation	Brief Description of the Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
5	40 C.F.R. § 112.7(e)	Since the facility is required to prepare a SPCC Plan, the plant is required to maintain inspection records for a period of three years.	The SPCC Plan indicates that daily inspections will be conducted of the fuel oil tank, transformers, and waste finish system. A representative review of inspection records indicated that inspection records were not available for a week in September 2004 and May 13 and 14, 2004. The SPCC Plan also indicates that the oil drum storage areas are inspected on a monthly basis. Records were not available to document the inspection of the oil drums in the power area in October and November 2004.	The facility engaged a professional engineer (PE) to amend the SPCC plan to include appropriate inspection and records retention requirements. Affected personnel were trained on the amended SPCC plan, including inspection requirements.	5/3/05	7/1/05	6/30/05	C
6	40 C.F.R. § 112.5	The SPCC Plan regulations require a Professional Engineer to certify any technical amendment to the plan.	Since the SPCC Plan was last reviewed in February 2001 the facility added the 55-gallon oil drums at the facility to the plan (March 2004) without the plan being recertified by a P.E.	The facility engaged a PE who amended the SPCC plan to reflect the requirement for PE recertification for technical amendments and certified the amendments being made to the SPCC plan. Affected personnel were trained on the amended SPCC plan.	5/3/05	7/1/05	6/30/05	A,F
7	40 C.F.R. § 112.8(c)(6)	The SPCC Plan regulations require that regular visual inspections must be performed of containers storing oil.	Currently inspections are not being performed on the fuel oil tanks for the emergency fire water pumps.	The facility revised the inspection form in the SPCC plan to include the fuel oil tanks in the pump house. Affected personnel were trained on the revised inspection requirements. The facility began conducting the required inspections.	5/3/05	7/1/05	6/30/05	B,F

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Item	Regulatory Citation	Brief Description of the Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
8	40 C.F.R. § 112.7(c)	The SPCC Plan regulations require that appropriate containment and/or diversionary structures be installed to prevent spills from reaching a navigable water.	The piping between the fuel oil tank and the building and the fuel oil piping inside the fire water pump house does not have a means of preventing leaks from reaching a navigable water.	The facility sealed openings in the pump house to provide sufficient containment. A PE evaluated the containment options for the fuel oil piping and appropriate containment and/or diversionary structures were provided for the fuel oil piping. The SPCC plan was amended and recertified by the PE.	5/3/05	7/1/05	6/30/05	A,F
9	40 C.F.R. § 112	Since the facility stores greater than 1,320 gallons of oil the facility is required to prepare a SPCC Plan.	The facility's SPCC Plan contained 9 miscellaneous technical deficiencies.	The facility engaged a PE who amended the SPCC Plan to address the deficiencies noted. Affected personnel were trained on the amended SPCC plan.	5/3/05	7/1/05	6/30/05	A,F
10	40 C.F.R. § 112.8(c)(2)	The SPCC regulations require oil storage tanks to have sufficient secondary containment to contain 100 percent of the capacity of the tank plus sufficient free board to contain a precipitation event.	The fuel oil storage tank has a capacity of approximately 15,200 gallons and has a secondary containment capacity of approximately 15,400 gallons. This free board is sufficient to contain only a 0.5 inch rainfall. Currently the facility has implemented administrative controls to limit the storage in the tank to less than 12,000 gallons. Administrative controls cannot be implemented to meet the SPCC secondary containment requirements.	The facility engaged a PE who evaluated the containment options. The facility modified the containment per the PE's recommendations. The SPCC Plan was amended to include the containment modifications. Affected personnel were trained on the amended SPCC plan.	5/4/05	7/2/05	6/30/05	A,F
11	Air Permit 2282-059-0038-B-01-0	Permit Condition 4.2 requires that routine maintenance shall be performed on all air pollution control equipment.	The CVM scrubber/fume eliminator has a "system on" indicator bulb. The bulb did not appear to be functioning as the system was operating and the bulb was not illuminated.	The facility replaced the bulb. An inspection program was implemented to ensure that components of the pollution control equipment are functioning properly. Affected personnel were trained on the requirement to maintain air pollution control equipment pursuant to Permit Condition 4.2 and on the inspection program.	5/4/05	7/2/05	6/20/05	C

Item	Regulatory Citation	Brief Description of the Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
12	40 C.F.R. § 355.30	A Facility at which there is present an Extremely Hazardous Substance (EHS) equal to or greater than the threshold planning quantity (TPQ) must provide notification to the State Emergency Response Commission (SERC) that the Facility is subject to emergency planning requirements and shall designate an emergency coordinator.	Sulfuric acid, contained in lead/acid batteries, is present in quantities greater than the TPQ (TPQ is 1,000 lbs for sulfuric acid). Although the Tier II report provides comparable information to the agencies, there was no record that the notification referenced in the regulation was submitted to the appropriate agency.	The facility submitted the required initial notification to the SERC. The site chemical approval procedure was revised to incorporate this notification requirement. Affected personnel were trained on the revised procedure.	5/4/05	7/2/05	6/3/05	D,F
13	40 C.F.R. § 273.15	A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated. A small quantity handler of universal waste who accumulates waste must be able to demonstrate the length of time that universal waste has been accumulated using one of the six prescribed procedures in § 273.15 (c).	Spent fluorescent lamps are classified as universal wastes and stored in appropriate cardboard boxes in the chemical shed. Accumulation dates are not recorded on the cardboard boxes. The facility cannot demonstrate that the accumulation times for the spent lamps have not exceeded one year in accordance with the prescribed procedures in the regulation.	The facility disposed of spent fluorescent lamps in the current inventory as universal wastes. The universal waste management procedure was revised to include labelling of containers with the accumulation start date and a container/labeling inspection program. Affected personnel were trained on the revised procedure.	5/4/05	7/2/05	6/20/05	B,F

Item	Regulatory Citation	Brief Description of the Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
14	40 C.F.R. § 273.16	A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste (fluorescent light bulbs and batteries). The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.	The facility provided training in the form of a business conference class. The training did not appear to address emergency procedures. Not all employees that handle universal waste attended the class.	The facility revised the current universal waste management procedure to address the appropriate emergency procedures. Affected personnel were trained on the revised procedure.	5/4/05	7/2/05	6/20/05	B,F
15	40 C.F.R. § 262.11	A generator of solid waste must determine if the wastes that are generated are hazardous wastes.	The following containers of materials/products no longer used by the facility were observed in the chemical shed: 1. A 55-gallon drum of red tint. 2. A 55-gallon drum of Betz ENTEC 725 3. A 5-gallon container of Foamtrol AF724 4. A 5-gallon container of Spectrus BD15, which has a high pH. 5. A 5-gallon container of Sublime Water Scale Solvent, which has a low pH. 6. A 30-gallon drum of Optiguard MC3 Personnel indicated that these materials were wastes but could not verify that hazardous wastes determinations had been made on the waste.	The facility performed waste classifications and prepared waste profiles for the noted materials. The facility has properly disposed of the wastes. The facility developed an inspection procedure for the chemical storage shed to ensure materials are identified and waste profiles are developed. Affected personnel were trained on the inspection procedure.	5/4/05	7/2/05	6/29/05	A,F

Item	Regulatory Citation	Brief Description of the Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
16	40 C.F.R. § 262.40(c)	A generator of solid waste must maintain records of hazardous wastes determinations made in accordance with 40 C.F.R. § 262.11.	No records were found documenting hazardous waste determinations made for the parts washer solvent, waste aerosol cans, fork truck wash area trap waste, and rags used with the magnaflux in the power area. In addition, there were no records of the hazardous waste determination made in association with used antifreeze waste, D006 and D007, shipped from the facility in July of 2004.	The facility performed waste classifications and prepared waste profiles for the noted waste streams. The facility updated the inventory of waste streams and included the waste classification for each waste stream. Affected personnel were trained on the waste classifications and preparation of waste profiles for the facility waste streams.	5/4/05	7/2/05	6/29/05	A,F,C
17	40 C.F.R. § 262.7(a)(8)	Generators are required to maintain copies of land disposal restriction forms for a period of three years from when a waste is shipped off site for disposal.	A copy of the Land Disposal Restriction form for manifest 99974 dated 6-30-03 was not in the facility files.	The facility obtained the copy of the LDR form from the waste disposal contractor. The facility updated the documentation management procedure to address LDR documentation and records retention requirements. Affected personnel were trained on the revised procedure.	5/5/05	7/3/05	6/29/05	D,F

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TAB 4

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. § 370	A Tier II report is required to be submitted on an annual basis for any hazardous chemical that requires an MSDS which exhibits hazards and is present in quantities greater than or equal to 10,000 lbs or any EHS present in greater than or equal to 500 lbs or the threshold planning quantity. Location of each tank/container is required to be listed.	The facility prepared a MSDS for calcium carbonate but Tier II reports and a MSDS have not been filed with the State Emergency Response Commission, Local Emergency Planning Committee, and the local fire department.	The facility prepared and submitted a Tier II report for calcium carbonate for calendar year 2004. Affected personnel received training on EPCRA reporting requirements. The Tier II reporting requirement was added to the facility's compliance calendar.	6/13/05	8/12/05	8/5/05	B,F
2	40 C.F.R. § 122	The facility's Standard Industrial Classification (SIC) Code has been determined to be 5093. Facilities under that SIC code are subject to the provisions of the NPDES storm water permit program. The state of Georgia has a general permit for industrial activities under which the facility would be covered. The facility is required to obtain a permit and prepare a Storm Water Pollution Prevention Plan or, under certain conditions, a waiver of non-exposure may be obtained exempting them from permit and plan requirements.	The facility has not filed for coverage under the State's general permit nor have they obtained a waiver for non-exposure to storm water exempting them from coverage.	The facility filed for a waiver for non-exposure to storm water exempting it from the requirement to obtain coverage under the General Storm Water Permit. The facility revised its compliance calendar to include renewal of the "no exposure" certification every 5 years.	6/13/05	8/12/05	7/18/05	A,F
3	40 C.F.R. § 262.11	A generator of solid waste must determine if the wastes that are generated are hazardous wastes.	A hazardous waste determination has not been completed on the following waste streams generated at the facility: 1. Used rags contaminated with an aerosol brake cleaner that contains tetrachloroethylene used in degreasing parts. 2. The materials such as aerosol cans, paint cans, and other containers that come into the facility with the trucks delivering carpet to the facility. 3. The containers of discarded methanol in the flammable storage cabinets.	The facility completed and documented a hazardous waste determination for these wastes. The facility has prepared and maintains an inventory of all types of wastes generated onsite, including documentation of waste classification. Affected personnel received training on waste management requirements.	6/13/05	8/12/05	8/5/05	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
4	391-3-11.18	The State of Georgia has incorporated by reference the hazardous waste regulations relative to standards for generators of universal waste. The universal waste categories include mercury containing fluorescent lamps, metal halide lamps, mercury vapor lamps, mercury containing thermostats and other devices, and batteries.	There are high intensity bulbs in the plant that are spent but not removed from the fixtures. Small batteries are routinely placed in the general trash.	The facility has removed and properly disposed of the bulbs. The facility prepared a universal waste management guidance document and will identify and manage universal waste in accordance with this guidance. Affected personel have received universal waste training.	6/13/05	8/12/05	7/18/05	B,F
5	40 C.F.R. § 112	Since the facility is required to prepare a SPCC Plan the facility's oil storage areas must meet the requirements of the regulations	The following items were noted as being deficient with regards to the regulations. 1. The level gauge on the diesel fuel tank needs repair. 2. The loading and unloading area for the diesel fuel tank does not have a means to prevent a spill from reaching a navigable water.	The facility removed the existing diesel tank and replaced it with a smaller (250-gallon) tank, which reduced oil storage capacity to below the 1,320 gallon SPCC threshold.	6/13/05	8/12/05	7/18/05	A,F
6	40 C.F.R. § 112 (b)	Facilities that store, process, or use oil and oil products and might be reasonably expected to discharge oil in quantities that may be harmful to navigable waters of the United States are subject to the regulation. Facilities having an oil capacity of 1,320 gallons or more in containers of 55 gallons or larger are required to prepare a SPCC Plan.	The Facility does not currently have an SPCC Plan. The Facility is required to have an SPCC Plan because the oil storage or use capacity is greater than 1,320 gallons and is located such that a release could enter a drainage ditch that flows to a navigable water. The oil containers at the site include the following; 1. A 400-gallon diesel fuel tank 2. A 500-gallon hydraulic oil reservoir for the SSI Shredder. 3. A 400-gallon hydraulic oil reservoir for the carpet baler. 4. A 55-gallon drum of hydraulic oil. 5. An 85-gallon hydraulic oil reservoir for the fiber baler.	The facility removed the existing diesel tank and replaced it with a smaller (250-gallon) tank, which reduced oil storage capacity to below the 1,320 gallon SPCC threshold. The facility prepared and now maintains an oil storage capacity inventory. Affected personnel received training on the the SPCC planning triggers to ensure the threshold for requiring a SPCC Plan is not exceeded. The facility revised its compliance calendar to include periodic updates of the inventory.	6/13/05	8/12/05	7/18/05	A,F

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TAB 5.A

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	S.C. Code Regs. 61-62.70.5(c)(3)(i)	A permit application shall describe all emissions of regulated air pollutants from any emissions unit, except where the units are exempted under Section 70.5(c).	The Title V permit application does not include information regarding the following insignificant activities: engines for emergency fire pumps, emergency generators for water intake pumps, or temporary compressors.	The facility has notified SCDHEC of these additional insignificant activities and has provided SCDHEC with information concerning the additional insignificant activities to update the facility's Title V permit application. The facility sought extensions of time to resolve this finding by letters dated March 23, 2005 and June 10, 2005. SCDHEC approved the addition of these insignificant activities by letters dated 8/5/05 and 8/26/05.	2/23/05	Per 6/10/05 letter, current extension requested until 10/31/05. Per 9/30/05 EPA letter, extension request granted.	8/26/05	D,F
2	S.C. Code Regs. 61-62.70.5(c)(3)(i); Reg. 61-62.6 Control of fugitive Particulate matter, Section III(c)	A permit application shall describe all emissions of regulated air pollutants from any emissions unit, except where the units are exempted under Section 70.5(c). No source/plant shall use any method of material handling which will generate fugitive dust particulate matter that is not fully described in the permit application.	The permit application includes a flow diagram for coal handling, but does not describe fugitive emissions from coal unloading or fugitive dust from coal storage area.	The facility has notified SCDHEC of the identified fugitive emissions and on 6/10/05 provided SCDHEC with information concerning the fugitive emissions to update the facility's Title V permit application. The facility sought extensions of time to resolve this finding by letters dated 3/23/05, 6/10/05 and 10/21/05.	2/23/05	Previous extension granted until 10/31/05. Per 10/21/05 letter, current extension requested until SCDHEC issuance of Title V permit.	6/10/05 See Tab 18.B	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
3	40 C.F.R. § 82.156(k)	The owner of HCFC containing equipment normally containing 50 lbs or more of refrigerant must keep service records documenting the date, type, and quantity of refrigerant added. Records must be kept for at least three years. Additional records must be kept if a unit is found to leak.	There are 15 refrigeration units that normally contain greater than 50 lbs of HCFC. Records were incomplete: 1. On unit Eng-1-2A, one record indicated that "refrigerant was added" but the quantity was not recorded. 2. A gap where refrigerant addition quantities were not recorded beginning in late 2003 was observed and confirmed with the contractor.	The facility confirmed that the referenced unit was replaced in 2001. The facility developed a procedure for recording quantities of refrigerant added to units containing greater than 50 lbs. of refrigerant. Affected personnel received training on the procedure.	2/25/05	4/25/05	4/18/05	B,F
4	Title V Permit Condition 3.R	The facility's current Title V permit requires that "any document (including reports) shall contain a certification by a responsible official or designee that meets the requirement of SC Regulation 61-62.70.5(d)." "Responsible official" is defined under SC Regulation 61-62.70.2(cc).	Previously submitted quarterly continuous opacity monitoring reports and semiannual monitoring reports in 2003 and 2004 have been signed by facility environmental managers (other than the site manager) who have not been granted advanced "delegation of authority" approval by SCDHEC and, therefore, do not meet the definition of "responsible official".	The facility notified SCDHEC that the identified 2003 and 2004 certifications were not signed by a "responsible official." SCDHEC responded that resubmission of the identified certifications was not required. The facility updated its policy and procedure for signatory of official compliance submittals to ensure that the appropriate level of signatory approval is defined and used for future submittals.	2/28/05	4/28/2005 Extension approved until 6/10/05	6/10/05	B,F
5	S.C. Code Regs. 61-62.70.5(c)(3)(i)	A Title V permit application shall describe all emissions of regulated air pollutants from any emissions unit, except where exempted under Section 70.5(c).	The Title V permit renewal application submitted in September 2003 does not include the following emissions data: - PM10 from Type 93 Nylon Spinning (Section H form); - PM10 from Lindberg Furnace (Section H form); - PM10 from Nylon BCF Spinning (Section H form); - HCl, HF and dioxin from #1-4 Dowtherm Vaporizers (Section I forms); - HCl, HF and dioxin from Boilers #1-4 (Section I forms); and - Benzene from Aboveground Gas Tank (no Section I form).	The facility submitted the identified additional emissions data to SCDHEC as a supplement to the facility's Title V permit renewal application.	2/28/05	4/28/2005 Extension approved until 6/10/05	6/10/05	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
6	S.C. Code Regs. 61-62.5 Standard 8 - II.C	Changes in various modeling parameters (including emission rates) require a review by the facility to determine if they have an adverse impact on the Maximum Allowable Ambient Concentration (MAAC) compliance demonstration for Toxic Air Pollutants (e.g., biphenyl).	The facility reportedly performed Toxic Air Pollutant (TAP) modeling in the early 1990s to assess compliance with MAACs, however no documentation of the modeling was available for review. Attachment A of the current Title V permit indicates that the previously-modeled emission rates for five TAPs, including biphenyl, which was modeled at an emission rate of 0.0269 lb/hr (which is not a Title V permit emission limit, but rather a record of the emission rate used in the previous compliance determination). The 2003 Emissions Inventory Point Source Data Report indicates that the biphenyl emission rate was approximately 0.142 lb/hr (point source only). Given the increased emission rate, the facility is subject to the cited review requirement (for biphenyl and possibly for the other four previously-modeled TAPs and any other "new" TAPs which have not yet been modeled) and has not conducted the review.	The facility reviewed the basis for the referenced biphenyl and other toxic air pollutant (TAP) emission rates and determined that toxics modeling was warranted for TAPs from the facility. The facility submitted an air toxics modeling protocol to SCDHEC on 6/10/05 and SCDHEC approved this protocol on 7/22/05. The facility conducted the toxics modeling and submitted the results to SCDHEC on 9/22/05. The modeling demonstrated compliance with applicable TAP regulations, and thus no additional corrective action is required. The facility is awaiting SCDHEC's acknowledgement of the modeling analysis. The facility sought extensions of time to resolve this finding by letters dated 3/23/05, 6/10/05 and 10/21/05.	2/28/05	Previous extension granted until 10/31/05. Per 10/21/05 letter, current extension requested until SCDHEC issuance of Title V permit.	9/22/05 See Tab 18.B	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
7	Title V Permit Condition 6.B.12 / S.C. Code Regs. 61-62.1.IV.D.5	Biennial stack testing of the Lindberg Furnace must be performed at its "expected maximum production rate".	The December 2003 stack test was performed at a "production rate" of approximately 4.3 lb/hr (60 lbs Nylon burned / 14 hrs), whereas the average "product burn rate" that was derived (by the facility) from data in the 1999 and 2001 Point Source Data Report (PSDR) is 5.7 lb/hr. "Expected maximum production rate" is not defined in the Title V permit or in the SC regulations; however SC Regulation 61-62.1.IV.D.5 indicates that "the owner or operator shall ensure that source tests are conducted while the source is operating at the maximum expected production rate or other production rate or operating parameter which would result in the highest emissions for the pollutants being tested."	The facility requested a change in its Title V permit condition to reflect a 25% variance on the emission rate achieved during a biennial source test. In addition, the facility submitted a test protocol for the biennial Lindberg Furnace source test and accelerated the date of the 2005 test from December 2005 to 7/21/05. The facility ran a source test on the Lindberg Furnace on 7/21/05 and submitted the test results to SCDHEC on 8/22/05. The facility requested a new permit condition on 10/18/05 and will revise the Lindberg Furnace operating procedure based on the approved permit condition. Affected personnel will receive training on this procedural change upon approval by SCDHEC. The facility sought extensions of time to resolve this finding by letters dated 3/23/05, 6/10/05 and 10/21/05.	3/1/05	Previous extension granted until 10/31/05. Per 10/21/05 letter, current extension requested until SCDHEC issuance of Title V permit.	Pending See Tab 18.B	D,F
8	Title V Permit Condition 5.E.7	Only operators trained in accordance with a SCDHEC-approved training program may operate the Lindberg Furnace.	The facility was unable to produce documentation regarding SCDHEC's approval of the Lindberg Furnace training program.	The facility prepared an updated training program for operation of the Lindberg Furnace and submitted the program to SCDHEC for approval. Upon receipt of SCDHEC approval, affected personnel received training, and certificates of training were submitted to SCDHEC. The facility sought an extension of time to resolve this finding by letter dated March 23, 2005.	3/1/05	4/29/2005 Extension request approved until 6/10/05.	5/20/05	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
9	S.C. Code Regs. 61-86.1 IV (H)(g)(8)	Metal dumpsters or containers used for asbestos waste storage shall be labeled in accordance with 29 C.F.R. § 1926.1101.	Danger signs with information required in 29 C.F.R. § 1926.1101 are not present on the metal dumpsters. The danger signs present near the metal dumpsters do not contain all of the required information.	The facility replaced the current "Danger-Asbestos" with signage containing information required by 29 C.F.R. § 1926.1101, as per S.C. Code Regs. 61-86.1 IV(H)(g)(8). Container management procedures were reviewed to ensure that asbestos container labeling requirements were adequately addressed. Affected personnel received training on asbestos labeling requirements.	2/28/05	4/28/05	3/28/05	B,F
10	S.C. Code Regs. 61-58.8(B)(4); Reg. 61-58.7(E)	The South Carolina regulations require public water supply systems to prepare an emergency preparedness plan in accordance with the regulations. The regulations require that an up-to-date distribution map showing valves, line sizes, fire hydrants, pumping, storage, and treatment facilities.	The facility has prepared an Emergency Action Plan that meets OSHA requirements but not the requirements of the South Carolina Drinking Water Regulations. A limited review of the facility's distribution system drawings indicated that drawing W293257 incorrectly referenced domestic water lines on drawings W208855, W208876, and W208888.	The facility replaced the referenced water distribution maps with maps that reflect existing site conditions. The facility revised the Emergency Action Plan to incorporate the requirements of the South Carolina drinking water regulations. Affected personnel received training on the drawings and plan.	3/1/05	4/29/05	4/5/05	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
11	S.C. Code Regs. 61-58.5	The State Primary Drinking Water Regulation requires all public water systems to monitor Maximum Contaminant Levels (MCLs) for lead, copper, inorganic chemicals, organic chemicals, microbiological contaminants, radionuclides, trihalomethane concentration, volatile synthetic organic chemicals (VOCs), and disinfection by-products on a schedule outlined in the regulation. The facility water treatment system is classified as a non-community, non-transient, public water system. The state rule was last updated in September 2003, but the regulation was in force prior to that. The monitoring requirements for the MCLs became effective in 1993 or earlier (depending on the parameter).	The facility has monitored water quality parameters (alkalinity, pH, temperature, and coliform) on a monthly basis as required in its permit. The state (SCDHEC) monitors various points on site for disinfection by products on a routine basis, but the facility has not monitored the MCLs as required of public water systems.	The facility evaluated drinking water monitoring requirements for the water system. Based upon this analysis, the facility determined that SCDHEC monitors the MCLs set forth in the regulation that are not being monitored by the facility, with the possible exception of dioxin and cyanide. Nonetheless, on April 25, 2005, the facility completed its own sampling for the required MCL constituents, including dioxin and cyanide. The sampling results confirmed compliance with the MCLs. MCL sampling was added to the compliance calendar. The facility sought an extension of time to resolve this finding by letter dated April 27, 2005.	3/1/05	4/29/05 Extension request approved unitl 5/30/05.	5/27/05	B,F
12	S.C. Code Regs. 61-58.7.B(15)	The South Carolina Regulations require public water supply systems to use treatment chemicals that are certified to meet National Sanitation Foundation (NSF) standards.	The facility did not have records to show that the alum and chlorine used to treat the drinking water met NSF standards.	The facility obtained documentation from the current providers that alum and chlorine meet NSF standards.	3/2/05	4/30/05	3/30/05	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
13	S.C. Code Regs. 61-58.7.F(8)(a)	The South Carolina Regulations require back flow preventors to be tested annually.	Domestic Water Drawing W293257 indicates that there is a backflow preventor on the third floor of the BCF Building. The person testing backflow preventors at the plant indicated that this backflow prevention device had not been tested.	The facility confirmed that the backflow preventor on the third floor of the BCF Building had been removed from service and thus was not required to be tested. The facility confirmed that all backflow preventors are included in the annual testing program and that all backflow preventors have been tested as part of the most recent annual testing process. A backflow preventor testing program entry was added to the compliance calendar. The facility confirmed that affected personnel received certification.	3/1/05	4/29/05	3/29/05	E
13.1	S.C. Code Regs. 61-58.7.F(8)(a)	The South Carolina Drinking Water Regulations do not allow a cross connection between a public water and a non-public drinking water system.	The Raw Water tank did not have an air gap to protect the drinking water system.	The Raw Water tank was modified to include an air gap and the air gap was added to the facility's list of backflow prevention devices.	5/10/05	7/8/05	6/6/05	A,F
14	S.C. Code Regs. 61-58.7.B(2) and 58.7.E(13)	The South Carolina Regulations require public water supply systems to prepare Standard Operating Procedures for the operation and maintenance of the water systems. The operating procedures must meet the requirements of the regulations and the regulations require the facility to maintain flushing records.	1. The facility does not have a procedure for disinfecting water lines after repair and before being placed back into service as required. 2. The facility does not have a distribution system flushing program and does not maintain flushing records of the lines. 3. The facility does not have a leak detection and repair program.	The facility developed and implemented procedures for disinfecting water lines after repair. The facility developed and implemented a distribution system flushing program (including appropriate recordkeeping provisions). The facility developed and implemented a leak detection and repair program. Affected personnel received training on these procedures and programs. An entry was added to the compliance calendar.	3/2/05	4/30/05	4/21/05	A,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
15	40 C.F.R. § 112	Since the facility stores greater than 1,320 gallons of oil the facility is required to prepare a SPCC Plan.	The facility's SPCC Plan contained 19 technical deficiencies.	The facility modified the SPCC Plan to address the items referenced in the audit. The revised plan was certified by a licensed professional engineer. Affected personnel received training on the plan revisions. An entry was added to the compliance calendar to review the SPCC Plan.	2/23/05	4/23/05	4/21/05	A,F
16	40 C.F.R. § 112	Since the facility is required to prepare a SPCC Plan, the plan should identify all oil storage and usage areas with capacities greater than or equal to 55 gallons.	The facility's SPCC Plan failed to include 25 items.	The facility modified the SPCC Plan to address the items referenced in the audit. The revised plan was certified by a licensed professional engineer. Affected personnel received training on the plan revisions. An entry was added to the compliance calendar to review the SPCC Plan.	2/23/05	4/23/05	4/21/05	A,F
17	40 C.F.R. § 112.8(c)(10)	The SPCC Plan regulations require that oil spills from containers and tanks to be promptly removed.	The No. 6 fuel oil tank had an oil stain down the side of the tank that had not been cleaned up.	The facility cleaned the outside of the No. 6 fuel oil tank and a leak was repaired. The facility revised the SPCC Plan, including tank inspection requirements and the tank inspection form. Affected personnel received training on the revised SPCC Plan.	2/23/05	4/23/05	4/21/05	B,F
18	40 C.F.R. § 112.5	The SPCC Plan regulations require a Professional Engineer to certify any technical amendment to the plan.	Since the SPCC Plan was updated in August 2004 the finish oil dumpster tanks were added to the plan without the plan being re-certified by a P.E.	The revised SPCC Plan was certified by a licensed professional engineer. Affected personnel received training on the certification requirements.	2/23/05	4/23/05	4/21/05	C
19	40 C.F.R. § 112.7(e)	Since the facility is required to prepare a SPCC Plan, the facility is required to maintain inspection and training records for a period of three years.	Prior to August 2004 the facility's SPCC Plan only covered the fuel storage tanks at the plant power area. Personnel indicated that prior to November 2004 the records of the regular inspections of the fuel storage tanks and any training records were not maintained.	The facility revised the SPCC Plan, including tank inspection requirements and the tank inspection form. Affected personnel received training on the revised SPCC Plan.	2/23/05	4/23/05	4/21/05	A,B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
20	40 C.F.R. § 112.8(c)(2)	The SPCC Plan regulations require that oil storage tanks have adequate secondary containment.	The finish oil dumpster tanks at BCF do not have secondary containment. Drainage from the finish oil dumpster tanks flows off site to the north.	The facility removed the dumpster tanks and revised the SPCC Plan to reflect removal of the tanks.	2/23/05	4/23/05	4/21/05	A,F
21	40 C.F.R. § 112.7(e)	Since the facility is required to prepare a SPCC Plan, the facility is required to conduct inspections in accordance with written procedures.	The SPCC Plan indicates that inspection records are to be maintained on the form in the SPCC Plan Appendix. Personnel inspecting the Essential Materials Building do not record the inspections on this form. In addition one inspection record for a tank in the Finish Prep Area and an inspection form in salt and flake were not fully completed.	The facility revised the SPCC Plan and affected personnel received training on the use of the SPCC inspection forms. A training entry was added to the compliance calendar.	2/24/05	4/24/05	4/21/05	B,F
22	40 C.F.R. § 112.7(c)	The SPCC Regulations in 40 C.F.R. § 112.7(c) require containment at the facility to prevent spills from reaching a navigable water from loading and unloading areas, transformers, and oil reservoirs.	The wastewater treatment plant transformers, the emergency generator tank loading area, and the unloading area for used oil tank at the PEO Shop are located in areas that drain off the site without passing through the wastewater treatment plant or the 24-hour retention pond.	The facility confirmed that secondary containment, diversionary structures and/or equipment related to the wastewater treatment plant transformers, the emergency generator tank loading area, and the used oil tank unloading area at the PEO Shop are sufficient and revised the SPCC Plan. Affected personnel received training on the revised Plan.	2/24/05	4/24/05	4/21/05	E
23	40 C.F.R. § 112	The SPCC Plan indicates that the drainage valves of secondary containment areas are locked closed.	The drain valve for the No. 6 fuel oil storage tank secondary containment area was not locked closed.	The facility placed a locking mechanism on the drain valve for the No. 6 fuel oil storage tank secondary containment. The facility revised the SPCC Plan and affected personnel received training on the revised Plan.	2/24/05	4/24/05	4/21/05	B,F
24	40 C.F.R. § 112.8(c)(2)	The SPCC Plan regulations require that oil storage tanks have adequate secondary containment to contain 100 percent of the tank plus a rainfall event.	The records documenting the secondary containment capacity of the 125,000 gallon No. 2 fuel oil tank indicate it has a secondary containment capacity of 104,573 gallons.	The facility confirmed the secondary containment capacity of the 125,000 No. 2 fuel oil tank. The facility revised the SPCC Plan and affected personnel received training on the revised Plan.	2/24/05	4/24/05	4/21/05	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
25	Federal Insecticide, Fungicide and Rodenticide Act 7 USCA § 136j(a)(2)(g)	Section 136 j (A) (2) (g) of the Federal Insecticide, Fungicide and Rodenticide Act provides that "it shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling".	The labels for the registered pesticide (Nalcon 7647) used in Finish Prep power indicate the drums should be triple rinsed and punctured prior to disposal in a sanitary landfill. Personnel indicated that the drums are pumped dry and then sent off for recycling without being triple rinsed.	The facility contracted with a vendor to properly dispose of the Nalcon 7647 containers. A procedure was created for on-site management of these containers. Affected personnel received training on the procedure.	2/23/05	4/23/05	4/6/05	B,F
26	S.C. Code Regs. 61-79.262.11	A person who generates a solid waste must determine if that waste is a hazardous waste through testing or generator/process knowledge.	A container of skein plates located outside the dye laboratory was incorrectly labeled as "oily waste".	The facility removed the "oily waste" label from the container. Training materials were reviewed to confirm that proper labeling of hazardous material containers is addressed. Affected personnel received training on the container management information.	2/23/05	4/23/05	3/7/05	C
27	S.C. Code Regs. 61-79.262.13	Large quantity generators (LQGs) of hazardous waste must file a revised waste index retrieval whenever any information the generator has previously provided becomes outdated or inaccurate.	The facility has 50 hazardous waste streams listed on its waste index retrieval, several of which are outdated or no longer generated at the facility. Therefore, the Notification Form no longer accurately reflects hazardous waste generation at the facility.	The facility submitted a DHEC-1965 form to SCDHEC identifying the facility's current waste streams. A waste stream review entry was added to the compliance calendar.	2/23/05	4/23/05	4/13/05	B,F
28	S.C. Code Regs. 61-79.262.20 and 268	A generator who transports or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a manifest and complete a land disposal restriction (LDR) form according to the instructions pertained in Part 262. Per regulations, LDRs must be retained for three (3) years.	No evidence of the preparation of an LDR form was available for a manifest dated August 5, 2004.	The facility obtained from the disposal facilities the referenced LDR form. The facility HAZMAT procedures were revised to clarify LDR notification requirements. Affected personnel received training on the revised procedures.	2/23/05	4/23/05	3/10/05	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
29	S.C. Code Regs. 61-79.262.34(a)(2)	The date upon which each period of accumulation begins must be clearly marked and visible on each container (accumulation start date) when waste is stored in a designated HWAA.	One (1) 55-gallon drum of "used tetrachloroethylene", one (1) 55-gallon drum of isophoronediamine (IPDA), and one (1) 55-gallon drum of used oil presumably mixed with chlorinated solvents (failed Safety-Kleen total organic halogen test) were observed in the HWAA without an accumulation start date. Therefore, it is unknown how long the containers have been stored in the HWAA or if the facility is meeting the less than 90 day permit exemption.	The facility removed the drums for off-site disposal. The facility revised its container management procedures to clarify labeling requirements. Affected personnel received training in container management. An entry was added to the compliance calendar to train affected personnel on container management.	2/24/05	4/24/05	3/12/05	D,F
30	S.C. Code Regs. 61-79.262.10	Facilities generating hazardous waste must manage and dispose of hazardous waste in accordance with SCDHEC regulations.	Paper towels used with an aerosol containing a listed hazardous waste (perchloroethylene in brake cleaner) are disposed of as solid waste (trash) in the PEO auto shop (vehicle maintenance shop). Disposition of hazardous waste with solid waste constitutes improper disposal of hazardous waste.	The facility began separating towels affected with listed waste into dedicated containers. A towel management procedure was developed to ensure that hazardous waste towels are managed properly. The facility converted to cloth towels suitable for sending off-site to a commercial rag cleaning/laundering service. Affected personnel received training on requirements of the procedure.	2/24/05	4/24/05	3/12/05	B,F
31	S.C. Code Regs. 61-79.262.11	A person who generates a solid waste must determine if that waste is a hazardous waste through testing or generator/process knowledge.	Three (3) 55-gallon drums of unknown (unlabeled) material and one (1) 5-gallon bucket labeled as aluminum roof flashing material were observed in a lay down yard west of the former contractor pipe shop. The containers were rusted, in poor physical condition, and appeared to contain out-dated or unusable material.	The facility had the contents of the three drums characterized and properly disposed of off-site. An entry was added to the compliance calendar to conduct facility-wide inspections to prevent improperly stored materials.	2/28/05	4/28/05	4/7/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
32	S.C. Code Regs. 61-79.262.20, 262.40(a), and 262.42	A generator who transports or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must receive a copy of the manifest with the handwritten signature of the owner or operator of the TSDF within 45 days of the date the waste was accepted by the initial transporter. If this copy is not received within 45 days, the generator must submit an Exception Report to SCDHEC.	A manifest dated November 23, 2004 (over 45 days old) did not have the final manifest with a handwritten signature from the TSDF. Additionally according to personnel, no Exception Report was submitted to SCDHEC.	The facility obtained a copy of the return manifest. The facility reviewed manifest procedures to ensure that the proper return addresses were placed on the manifests. Affected personnel received training on the procedures. The facility filed an exception report with SCDHEC.	2/28/05	4/28/05	4/18/05	C
33	S.C. Code Regs. 61-79.273.14 and 273.15	The facility has made the determination that spent lead-acid batteries are universal waste and must be managed and disposed of pursuant to universal waste regulations. Spent lead-acid batteries must be labeled/marked according to 273.14 and must have an accumulation start date to ensure that waste is stored onsite for no longer than one (1) year (273.15).	Spent lead-acid batteries stored in a metal structure on the west side of the Stores area and two pallets of lead-acid batteries stored in the 90-day HWAA were not properly labeled and did not have an accumulation start date.	The facility removed all spent lead-acid batteries from the site for proper disposal. The facility designated the new container of spent lead-acid batteries with the accumulation start date. The facility revised its labeling and closure procedures. Affected personnel received training on container management, including labeling and closure requirements.	2/28/05	4/28/05	3/11/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
34	S.C. Code Regs. 61-79.273.15	The facility has made the determination that spent fluorescent lamps are universal waste and must be managed and disposed of pursuant to universal waste regulations. Spent fluorescent lamps must be labeled/marked according to 273.14 and must have an accumulation start date to ensure that waste is stored onsite for no longer than one (1) year (273.15).	Spent fluorescent lamps stored west of the BCF repack scales and south of the BCF repack spur conveyor did not have an accumulation start date.	The facility removed all used fluorescent lamps from the site for proper disposal. The facility designated the new container of fluorescent lamps with the accumulation start date. The labeling and closure procedures were revised. Affected personnel received training on container management, including labeling and closure requirements.	2/28/05	4/28/05	3/2/05	B,F
35	S.C. Code Regs. 61-79.273.9	Metal halide lamps are required to be managed, stored, labeled, and disposed of as either hazardous waste or universal waste.	Metal halide lamp was observed in a container labeled "broken glass" in the Power Control Equipment Shop and on a workbench in the former contractor pipe shop.	The facility collected and disposed of the referenced lamp as universal waste. The facility revised procedures related to universal waste management to ensure that waste halide lamps are adequately addressed. Affected personnel received training on the revised procedures.	3/1/05	4/29/05	3/8/05	B,F
36	S.C. Code Regs. 61-79.265.16(d)(1) and 265.16(d)(2)	The owner or operator of a facility generating hazardous waste must maintain the job titles and written job descriptions for each individual who engages in hazardous waste management.	No job titles or job descriptions exist for individuals who manage hazardous waste at the facility. Job descriptions should include the requisite skill, education, or other qualifications and duties of facility personnel assigned to hazardous waste management.	The facility revised job titles for personnel involved with hazardous waste management, including requisite skill, education, or other qualifications and duties related to hazardous waste management.	3/1/05	4/29/05	4/18/05	D,F

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37	S.C. Code Regs. 61-79.262.34(c)(1)	Facilities accumulating hazardous waste in a Satellite Accumulation Area (SAA) must manage and store the waste in accordance with SAA rules in Part 262.	Hazardous waste perchloroethylene (perclene) yarn is generated inside the Chemical Laboratory at an SAA which is in compliance with the rules in Part 262. However, that hazardous waste is then moved from the SAA inside the laboratory to a second SAA outside the laboratory in a separate building. Per regulations, the facility can not move the hazardous waste from one SAA to another. The hazardous waste must be moved from the SAA inside the laboratory to the facility 90 day Hazardous Waste Accumulation Area (HWAA) for storage prior to disposal.	The facility discontinued use of the second SAA for this waste stream. The procedures for management of this waste were revised to clarify use of the SAA located across from the testing equipment as the sole SAA. Affected personnel received training on the revised procedures.	3/1/05	4/29/05	3/17/05	B,F
38	S.C. Code Regs. 61-79.262.34	Facilities accumulating hazardous waste in a Satellite Accumulation Area (SAA) must manage and store the waste in accordance with SAA rules in Part 262.	The menol hazardous waste storage area outside the Chemical Laboratory is treated by the facility as an SAA. However, the storage of menol outside the laboratory does not meet SAA rules and/or requirements because the storage is not at or near the point of generation and is not under the control of the operator of the process generating the waste. The storage of menol in this location more aptly meets the regulatory definition of 90 day Hazardous Waste Accumulation Area (HWAA) storage.	The facility began managing this location as a 90-day storage area. The procedures for management of this waste were revised to clarify use of the requirements for 90-day storage, including the additional inspection and training requirements that apply to 90-day areas. Affected personnel received training on the revised procedures.	3/1/05	4/29/05	3/21/05	B,F
39	S.C. Code Regs. 61-79.265.1050 (Subpart BB)	Generators of hazardous waste are required to conduct monthly leak detection monitoring of air emissions from pumps, piping, and valves handling hazardous waste.	There is currently no monitoring program in place for the piping system between the menol point of hazardous waste generation in the Chemical Laboratory and the point of hazardous waste collection (accumulation) in a 55-gallon drum at the current satellite accumulation area outside the laboratory. Subpart BB monitoring requirements are applicable to this menol piping system.	The facility developed and implemented a monitoring procedure. Affected personnel received training on the procedure.	3/1/05	4/29/05	4/26/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
40	S.C. Code Regs. 61-79.262.11	A person who generates a solid waste must determine if that waste is a hazardous waste through testing or generator/process knowledge.	Five (5) one-gallon cans of Thermoset EP-914 Hardener were observed in the former LA Smith Satellite Accumulation Area (SAA) building. The cans had an expiration date of October 17, 1997, were rusted, and in poor physical condition.	The facility had the contents of the cans characterized and properly disposed of off-site. An entry was added to the compliance calendar to conduct facility-wide inspections to prevent improperly stored materials.	3/2/05	4/30/05	3/3/05	B,F
41	S.C. Code Regs. 61-79.273.15	Universal waste must be labeled/marked according to 273.14 and must have an accumulation start date to ensure that waste is stored onsite for no longer than one (1) year (273.15).	The facility has been storing dry cell (alkaline) batteries in a metal can labeled as "Universal Waste - Batteries" in the CP & Melt Maintenance Shop. The storage container does not have an accumulation start date.	The facility properly disposed of the batteries and removed the metal can as a universal waste location. The facility reviewed procedures concerning battery management and disposal. Affected personnel received training in universal waste management.	3/2/05	4/30/05	3/28/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
42	S.C. Code Regs. 61-79.262.34(c)(1)	Facilities accumulating hazardous waste in a Satellite Accumulation Area (SAA) must manage and store the waste in accordance with SAA rules in Part 262.	The facility currently accumulates empty aerosol cans as non-hazardous waste in containers located throughout the facility. Periodically, the aerosol cans are transferred to the can puncturing building for puncturing. Before puncturing, the cans are sorted and the empty aerosol paint cans are placed in a hazardous waste container and managed as a hazardous waste. Because the facility labels and manages the aerosol paint cans as hazardous waste at the can puncturing building, the collection of aerosol paint cans in bulk throughout the facility should also be managed as hazardous waste, and maintained in Satellite Accumulation Areas (SAAs). It should also be noted that the can puncturing operation is currently operated as an SAA. However if aerosol paint cans are accumulated as hazardous waste in SAAs throughout the facility, then the can puncturing SAA can not be considered an SAA (because a waste may not be moved from one SAA to another) and the area must consequently be managed as a 90 day Hazardous Waste Accumulation Area (HWAA).	The facility began operating the aerosol can puncture area as a 90-day storage area. The aerosol management procedure was revised to include 90-day storage and satellite area management requirements. The facility established proper satellite accumulation areas for aerosol cans. Affected personnel received training on the aerosol can management procedure. An entry was added to the compliance calendar to perform aerosol can management training.	3/2/05	4/30/05	4/18/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
43	S.C. Code Regs. 61-79.260.10 and 262.34	Facilities generating hazardous waste must manage and dispose of hazardous waste in accordance with SCDHEC regulations.	Because the facility is managing empty aerosol paint cans as hazardous waste at the can puncturing building, the cans must be managed as hazardous waste throughout the facility. Empty aerosol cans were documented in scrap metal bins in the Salt & Flake Control Equipment Shop and in the CP & Melt Maintenance Shop. Additionally, some of the aerosol can storage containers had holes in the lids (to allow disposal without lifting the lid) and did not meet the requirement that all hazardous waste storage containers must be kept closed except when adding or removing waste (closed container requirement).	The facility began operating the aerosol can puncture area as a 90-day storage area. The aerosol management procedure was revised to include 90-day storage and satellite area management requirements. The facility established proper satellite accumulation areas for aerosol cans. Affected personnel received training on the aerosol can management procedure. An entry was added to the compliance calendar to perform aerosol can management training.	3/2/05	4/30/05	4/18/05	B,F
44	S.C. Code Regs. 61-79.262.13	Large quantity generators (LQGs) of hazardous waste must file a Notification Form within 30 days of first generating a hazardous waste or within 90 days of the date when one of their waste streams is classified as hazardous by a revision to SCDHEC's regulations.	Spent mercury batteries, switches, and relays were observed in a metal container in the CP & Melt Control Equipment Shop. These wastes are classified as D009 (mercury) hazardous wastes. This waste stream is not listed on the facility waste inventory and SCDHEC has not been notified of their generation.	The facility removed the referenced items for proper off-site disposal. The facility submitted a DHEC-1965 form to SCDHEC identifying D009 mercury waste as a waste stream. A waste stream review entry was added to the compliance calendar.	3/2/05	4/30/05	4/13/05	B,F,D
45	S.C. Code Regs. 61-79.262.13	Large quantity generators (LQGs) of hazardous waste must file a revised Notification Form whenever any information the generator has previously provided becomes outdated or inaccurate.	The facility has characterized Waste Paint Related Material (i.e., paint, paint thinner, cleaning solvents) as D001, D004, D006, D007, D008, F003, and F005. However, the hazardous waste labels on two waste paint drums in the LA Smith contractor shop Satellite Accumulation Area (SAA) and on one waste paint drum in the can puncturer building SAA also had the waste code D035 for methyl ethyl ketone (MEK). MEK is not listed on the facility waste stream inventory.	The facility confirmed that waste code DO35 for MEK is listed on the facility's waste stream inventory.	3/2/05	4/30/05	3/9/05	E

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46	S.C. Code Regs. 61-105(G)	A small quantity generator (SQG) of infectious waste is defined in Part G of the regulation as an entity that generates less than 50 pounds per month of infectious wastes. Infectious wastes is in turn defined in Part E of the regulation as including sharps such as injection needles, blood and blood products, microbiologicals, and pathological waste. An SQG is required to register with the state (SCDHEC) and obtain an identification number.	The facility has not registered with SCDHEC and has not obtained an identification number for generation of infectious wastes.	The facility registered with SCDHEC as a small quantity generator of medical (infectious) waste. The facility prepared an infectious waste plan. Affected personnel received training on the plan.	2/28/05	4/28/05	3/14/05	D,F
47	General Storm Water Discharge Permit SCR000000	The facility is required to maintain a SWPPP that complies with the regulations and with the facility's General Storm Water Permit.	The facility's SWPPP contained 20 technical deficiencies.	The facility revised the SWPPP to address the items referenced in the audit. Affected personnel received training on the plan revisions. An entry was added to the compliance calendar to periodically review the plan.	2/23/05	4/23/05	4/19/05	A,F
48	General Storm Water Discharge Permit SCR000000	The facility is required to maintain a SWPPP that complies with the regulations and with the facility's General Storm Water Permit.	The facility's SWPPP contained 6 technical deficiencies.	The facility revised the SWPPP to address the items referenced in the audit. Affected personnel received training on the plan revisions. An entry was added to the compliance calendar to review the plan. The facility had the SWPPP non-storm water discharge certification signed by a responsible corporate official.	2/24/05	4/24/05	4/19/05	A,F
48.1	General Storm Water Discharge Permit SCR000000	Page 20, Part IV, Section D, Paragraph 10 requires the SWPPP to be re-certified every three years.	The SWPPP was last certified on 4/9/02. The SWPPP was not re-certified by 4/9/05.	A registered professional engineer certified the revised SWPPP. An entry was added to the compliance calendar to timely update the certification.	4/13/05	6/11/05	4/15/05	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
48.2	NPDES Permit SC0002585	Outfall 002 is a permitted discharge point for non-contact and excess stormwater only	The floor and other drains in and around the Power House, drains inside the Nylon Engine Room, and drainage from certain other areas of the facility were directed to the 24-hour pond via a valve structure referred to as "Jake's Gate." Flow through Jake's Gate is normally to the 24-hour pond except during heavy rainfall events when it is directed to Outfall 002. Because Outfall 002 is identified in the facility's NPDES permit as a discharge point for stormwater and non-contact cooling water only, unauthorized discharges could be directed to the Outfall under certain rainfall conditions.	The facility determined that sources other than stormwater runoff and non-contact cooling water could be directed through Outfall 002 during a heavy rainfall event. The facility located and eliminated potential sources other than stormwater runoff and non-contact cooling water that could be directed through Outfall 002. The facility added monthly inspection of the I Street ditch to the facility's monthly stormwater audit/inspection schedule.	5/18/05	7/16/05	7/15/05	B,F
49	19 C.F.R. § 12.121	An "import certification statement" must be submitted to the U.S. Customs Service or to EPA for shipments of chemicals or mixtures of chemicals, including R&D samples that are imported into the U.S. for TSCA-regulated commercial purposes.	TSCA "import certification statements" do not appear to have been submitted to U.S. Customs or EPA for shipments of recycled Nylon pellets from Andola Fibres Ltd. in Canada received on 2/23/04 (43,420lbs., 44,849 lbs., 43,544lbs., 43,337lbs.), 9/28/04 (16,307 kg), 10/1/04 (15,802 kg), 1/26/05 (18,946 kg), and 1/31/05 (6155 kg).	The facility submitted post-import certifications for the referenced imports. The facility TSCA procedure was revised to ensure that import certifications are properly addressed. Affected personnel received training on TSCA import certification procedures.	2/23/05	4/23/05	4/19/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
50	40 C.F.R. Parts 710 and 720 (e.g. 40 C.F.R. § 720.45(a)(2)(i))	Polymers are required to be identified in the TSCA Inventory in terms of the chemical names of the monomers and other reactants that are used at greater than 2% by wt. to manufacture the polymer. The names of monomers that are used at 2% or less may be optionally included in the TSCA Inventory description of the polymer.	Nylon polymers manufactured from a process using Nylon 6,6 salt monomer and one or two additional salt monomers (e.g. NRD-504, NRD-76) and a non-salt monomer (e.g. HMD or adipic acid) do not appear to be included in the TSCA Inventory, nor do such polymers appear to be covered by former Premanufacture Notices (PMNs) that were submitted to EPA by DuPont in early 1990. The DuPont PMNs appear to describe Nylon polymers produced from combinations of salt monomers only and do not cover the use of HMD or adipic acid as additional non-salt monomers.	The facility confirmed that no PMNs were required to be submitted for the referenced polymers. The facility revised its TSCA procedure to ensure that PMN issues are properly addressed. Affected personnel received training on the TSCA procedure.	2/24/05	4/24/05	4/19/05	E
51	40 C.F.R. § 761.65	PCB waste may only be stored in a temporary location (i.e., a location not meeting PCB storage facility requirements at Part 761.65) for 30 days from the date of removal from service.	One (1) 55-gallon drum of PCB waste in the BCF basement which meets the EPA definition of a PCB temporary storage location was incorrectly dated as "3-7-05". The container (drum) should be dated with the first date a PCB item/article was removed from service which would make this date incorrect.	The facility removed the drum for proper off-site disposal. A container management training entry was added to the compliance calendar. Affected personnel received training on container management.	2/24/05	4/24/05	3/2/05	C
52	S.C. Code Regs. 61-87.12(A) and 87.13	The South Carolina regulations require a facility to report Class V.A wells that were in use prior to 1988 to SCDHEC within 30 days of the effective date of the regulation. Class V.A wells include french drains for storm water runoff and discharge of steam condensate. These wells must also be permitted by SCDHEC.	The facility has numerous french drains that receive steam condensate discharges. These systems have not been reported to the SCDHEC nor has the facility obtained an operating permit for the french drains. Upon permitting, SCDHEC may require monitoring as outlined in S.C. Code Regs. 61-87.14(G).	The facility submitted a redesign proposal to SCDHEC's Underground Injection Control (UIC) and NPDES groups. The facility received approval of the redesign from SCDHEC's UIC group. SCDHEC's NPDES group required the facility to conduct specified compliance activities. The facility redesigned and reconstructed the french drains and conducted the specified compliance activities required by SCDHEC's NPDES group. The facility sought extensions of time to resolve this finding by letters dated 4/27/05, 6/27/05 and 8/29/05.	2/28/05	Per 6/27/05 letter, extension requested until 8/31/05. Per 8/29/05 letter, extension requested until 10/31/05.	9/22/05	A,F

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TAB 5.A

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
53	S.C. Code Regs. 61-87.12(b)	The South Carolina regulations require all septic systems at business establishments in place prior to 1988 (the effective date of the regulation) be abandoned.	1. "Camp Charlie" has two septic tank systems that were installed prior to 1983 and have not been abandoned. 2. The temporary construction shops have a septic tank system that was installed by 1977 and has not been abandoned. 3. A drawing for warehouse 1 shows the warehouse being served by a septic tank system that would have been installed prior to 1988. It is not know if it has been abandoned.	The facility determined that it has one operational septic system. The facility submitted a permit application for the septic system on 4/25/05. The facility received the permit to operate from SCDHEC on 4/28/05, bringing the system into compliance. For the systems that were closed prior to 1983, SCDHEC confirmed that no abandonment procedures are required.	2/28/05	4/28/05	4/28/05	A,F

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1	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61 62.5 Standard 7 - (i)(1), (j)(3), (k) and (m)	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, in 1997 the facility made physical modifications to Dowtherm Furnace No. 4 T-Thermal Burner by replacing two existing burners with a new burner. These changes resulted in increases of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/05	4/15/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
2	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61 62.5 Standard 7 - (i)(1), (j)(3), (k) and (m)	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, during the 1997 to 1998 timeframe, the facility installed a new batch polymer bank (Bank 8). These changes resulted in increases of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/05	4/15/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

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3	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61 62.5 Standard 7 - (i)(1), (j)(3), (k) and (m)	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, in 1999 the facility made physical modifications to the Dowtherm Furnace No. 2 by retubing portions of the unit. These changes resulted in increases of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/05	4/15/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
4	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61 62.5 Standard 7 - (i)(1), (j)(3), (k) and (m)	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, in 2001 the facility made physical modifications to the Boiler No. 3 Furnace by retubing certain portions of this unit. These changes resulted in increases of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/05	4/15/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Discovery	60-day Date	Date Corrected	Frequency/ Duration
5	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61 62.5 Standard 7 - (i)(1), (j)(3), (k) and (m)	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, in 2003 the facility made physical modifications to the Dowtherm Furnace No. 3 by retubing certain portions of this unit. These changes resulted in increases of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/05	4/15/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
6	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); S.C. Code Regs. 61 62.5 Standard 7 - (i)(1), (j)(3), (k) and (m)	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, during the 2001 to 2004 timeframe, the facility made physical modifications in the T-93 area by obtaining a state construction permit for eight (8) new spinning machines, only four (4) of which are actually installed. These changes resulted in increases of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/05	4/15/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

INV[illegible]A S.à r.l.
CAMS Findings
Voluntary Disclosures for Camden, South Carolina
Final Quarterly Report -- January 31, 2006

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
			POTENTIAL EXCEPTION					
PE 1	S.C. Code Regs. 61-62.70.5(a), (b)	An owner or operator of a Title V source must submit a timely and complete permit application. In addition, any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.	The facility's original Title V air permit application submitted to SCDHEC in 1995, a revised application submitted in 1998, and the facility's Title V renewal application submitted in 2003 by the prior owner, may contain outdated information relating to the actual and maximum throughput for the BCF spinning and other processes, as it appears that the facility's current annual production throughput may exceed the originally provided throughput amount.	The facility is evaluating current and past operational throughput levels to ascertain if prior permit submittals contained accurate throughput information. If there are confirmed descrepancies, the facility will also evaluate what, if any, impacts updated throughput values might have on reported emissions or regulatory applicability determinations. Any such additional regulatory issues will be timely reported and corrective action plans will be developed and implemented on an agreed schedule. The facility has sought an extension until 2/28/06 to complete this evaluation and until 5/31/06 to identify regulatory issues, determine what permit modifications may be necessary and identify additional corrective actions that may be required.	9/29/05	11/28/05	Pending See Tab 18.A	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
			EXCEPTIONS					
1	Title V Permit Conditions of General Applicability 12.1	All required monitoring data and related support information shall be retained by the permittee for five (5) years after the date of the monitoring.	Historical records of water flow rate to the CP Line II scrubber (the main batch polymer scrubber) and to the two CP Line II finisher vent condensers are available only from May 2004 to present.	The facility has been unable to locate records from the period prior to INVISTA's ownership. The facility has automated its recordkeeping for this data to ensure that water flow rates to the scrubbers/condensers are maintained for at least five years. Affected personnel were trained on the document retention requirements.	6/7/05	8/6/05	8/3/05	D,F
2	CAPCO 4-56(c)(11)	Certain insignificant activities need not be included in the permit application if their potential emissions of criteria pollutants are less than 5 tons per year. The list of such activities includes: cooling towers, laboratories, fuel tanks (gasoline and oil), and fire equipment.	No documentation of the potential emissions from such insignificant activities is available except for the cooling towers. The PTE from the combined cooling tower emissions exceeds 5 TPY. Therefore the cooling tower is not insignificant.	The facility has completed an inventory of these emission sources to establish a baseline and determine whether these sources meet the criteria for insignificant sources. The facility has reviewed the inventory and submitted a permit modification on 8/4/05 for the cooling tower emissions, which were confirmed to be above 5 TPY.	6/7/05	8/6/05 Extension requested until permit issuance per letter dated 8/5/05.	8/4/05 See Tab 18.B	D,F
3	CAPCO 4-56(C)(12)	Certain insignificant activities must be included in the permit application. The list of insignificant activities includes the following activities if they emit less than 5 tons per year: -Surface coating and degreasing operations less than 60 gallons/month -Wastewater Treatment -Tanks less than 1000 gallons -Lubricants and waxes	The list of insignificant activities does not include: The degreasing activities The industrial wastewater treatment facility The lubricants and waxes used	The facility has completed an inventory of these emission sources to establish a baseline and has determined that these sources meet the criteria for insignificant sources. The facility has prepared and submitted an amended list of insignificant sources to the Chattanooga-Hamilton County Air Pollution Control Bureau.	6/8/05	8/7/05	8/4/05	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
4	Title V Permit Conditions of General Applicability 12.2	The permittee shall report all emission limitation exceedances and all other deviations from permit requirements to the Bureau Director within 24 hours after the onset of the exceedance or other deviation, followed up by a written report submitted to the Bureau Director within 7 days after the onset of the exceedance or other deviation.	The deviation report letter dated October 15, 2004 submitted by DUSA references the associated initial telephone report on Monday morning October 11, 2004, regarding an incident requiring the temporary use on the auxiliary separator scrubber whose onset apparently occurred on the morning of October 9, 2004. In addition, the associated "incident report" form indicates that the exceedance occurred on 10/2/04. This exceedance/deviation was not reported within 24 hours, as required. A review of other deviations reports submitted during 2004 and 2005 did not reveal instances of less-than-prompt reporting.	The facility notified the affected company at the site (DUSA) of the need for compliance with incident reporting requirements. The facility corrected this finding by documenting that DUSA communicated these requirements to affected DUSA personnel.	6/8/05	8/7/05	8/1/05	C
5	Title V Permit Conditions Applicable to the Entire Facility 1.9 and 1.10	Semiannual compliance monitoring reports must include "[t]he single greatest number of minutes that the auxiliary scrubber was used to control particulate matter emissions from the two separators of Continuous Polymerization Line IV (Emission Unit 015) and from the two separators of Continuous Polymerization Line V (Emission Unit 016) during any one hour of the reporting period.	The semiannual compliance monitoring report dated January 25, 2005 submitted by DUSA reports: 1. The "Max. Daily Use of Auxiliary Scrubber to Control Line IV Separator Emissions" was 10 minutes; whereas the reporting requirement relates to maximum hourly usage. 2. The "Max. Daily Use of Auxiliary Scrubber to Control Line V Separator Emissions" was 52 minutes; whereas the reporting requirement relates to maximum hourly usage.	The facility notified the affected company at the site (DUSA) of this issue and has requested that DUSA identify and implement an appropriate corrective action. The facility corrected this finding by documenting that the DUSA semi-annual report form has been revised to properly report the maximum hourly usage for the affected emission units.	6/8/05	8/7/05	8/1/05	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
6	40 C.F.R. § 82.166 (j) and 82.156 (i) (2)	Owners/operators of appliances normally containing 50 lbs or more of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added. In addition Owners must have leaks repaired if the appliance is leaking at rate such that the loss of refrigerant will exceed 35-percent of the total charge during a 12-month period.	With respect to the air conditioning and refrigeration units serviced by Johnson Controls, records were not maintained at the site showing the date, type of service, and quantity and type of refrigerant added. The Johnson Controls technician indicated that the records are sent to a Johnson Controls office in Nashville. In addition, the Johnson Controls technician indicated that some of the refrigeration units have charges greater than 50 lbs but that neither Johnson Controls nor the Facility have a complete listing of units showing charge quantity and refrigeration type. Johnson Controls is not calculating leak rates on all units. There was insufficient data to evaluate whether allowable leak rates have been exceeded.	The facility requested and received a copy of the service records and will retain them in an onsite file. The facility will require the vendor to provide a copy of the service records to the facility each time the units are serviced. The facility evaluated the regulatory requirements with the vendor to ensure that each party is meeting its respective responsibilities under the applicable regulations. The facility has trained affected personnel on the requirements to calculate leak rates.	6/8/05	8/7/05	7/29/05	B,F
7	40 C.F.R. § 82.158	Refrigerant recovery equipment manufactured on or after 1993 used must be certified by a certified testing company and have an appropriate label affixed. Refrigerant recovery equipment manufactured before 1993 must meet certain performance requirements.	One of the refrigeration recovery devices owned by Johnson Controls stationed permanently at the site did not have the required label and there was no documentation available that the unit was manufactured prior to 1993 or was meeting prescribed performance requirements.	The facility has replaced the unit with one meeting applicable performance standards.	6/8/05	8/7/05	6/13/05	A,F
8	CAPCO 4--54(d) Fugitive Emissions	Fugitive emissions shall be included in the part 70 Application.	Fugitive emissions (e.g. fugitive dust emissions resulting from the coal storage and handling operations) are not included in the application.	The facility has submitted a revised permit application and a request for the necessary permit modification to the Chattanooga-Hamilton County Air Pollution Control Bureau to address fugitive emissions from the coal pile.	6/8/05	8/7/05 Extension requested until permit issuance per letter dated 8/5/05.	8/4/05 See Tab 18.B	D, A, F

INVISTA S.à r.l.
Voluntary Disclosures for Chattanooga, Tennessee
Final Report -- January 31, 2006

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
9	CAPCO 4-56(c)(3)(i)	All emissions of regulated air pollutants should be provided in the permit application.	1. Particulate emissions are reported in the application as TSP. Particulate Matter less than 10 microns (PM10) is a regulated pollutant and is defined differently than Particulate Matter. 2. Sulfuric Acid Mist emissions are not reported in the application.	The facility has submitted a revised permit application and a request for the necessary permit modification to address PM-10 and sulfuric acid mist emissions to the Chattanooga-Hamilton County Air Pollution Control Bureau.	6/8/05	8/7/05 Extension requested until permit issuance per letter dated 8/5/05.	8/4/05 See Tab 18.B	D, A, F
10	Title V Permit Conditions of General Applicability 12.1	All required monitoring data and related support information shall be retained by the permittee for five (5) years after the date of the monitoring.	1. Written records of historical monitoring data for Emission Unit 009 (T-32) are readily available back through approximately mid-2002. Prior records have been misplaced and are not readily available. 2. Monitoring data for Emission Unit 011 (T-71) are recorded electronically on the "process control system". However, the site was unable to verify that 5 years of data are maintained on the system, or otherwise available on tape backup. No written records are kept.	The facility has been unable to locate records from the period prior to INVISTA's ownership. The facility has implemented a procedure for Title V recordkeeping requirements, including documentation of what records are required and how each required record should be managed. The procedure includes a method by which the retained information may be retrieved in a timely manner. Affected personnel have been trained on the procedure.	6/9/05	8/8/05	8/3/05	D,F
11	Title V Permit Conditions Applicable to the Entire Facility 5.0	Preventative maintenance on each piece of air pollution control equipment at the facility shall be performed at regular intervals in accordance with the permittee's maintenance procedures.	Facility has no documentation of the preventative maintenance requirement or of the maintenance completed for Emission Units 015, 016, 017, 018, 019, and 020 at DUSA.	The facility has notified the affected company at the site (DUSA) of this issue and has requested that DUSA identify and implement an appropriate corrective action. DUSA provided to INVISTA confirmation that it has updated its maintenance procedures to address this finding. The facility originally requested an extension until 9/30/05 per letter dated 8/5/05.	6/13/05	8/12/05 Current extension requested until 11/30/05 per letter dated 9/30/05.	11/30/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
12	Title V Permit Conditions of General Applicability 12.1	All required monitoring data and related support information shall be retained by the permittee for five (5) years after the date of the monitoring.	For Unit 018 (hot chest exhausts of spinning machines 321 and 331) at DUSA, the pump of the scrubber is required to be visually inspected once every eight hours. The inspections are done each shift and recorded on a log sheet. The log sheets are stored in a drawer. When the drawer gets full, the bottom half of the stack of log sheets is thrown away. Records dating back to approximately January 1, 2005 were available for review.	The facility has notified the affected company at the site (DUSA) of this issue and has requested that DUSA identify and implement an appropriate corrective action. The facility corrected this finding by documenting that DUSA has implemented a record retention program.	6/13/05	8/12/05	8/1/05	B,F
13	40 C.F.R. § 64.4	The current Title V permit indicates that Emission Units 02, 004, 007, 009, and 013 are subject to the Compliance Assurance Monitoring rule ("CAM"; 40 C.F.R. § 64.1-10). The CAM rule requires the owner or operator of an affected source to submit to the permitting authority monitoring that satisfies the design requirements in § 64.3. This monitoring is commonly referred to as a "CAM Plan" and, in the case of INVISTA, the submittal was required as part of the first application for renewal of their Title V permit, which was submitted in the fall of 2003.	INVISTA did not submit a CAM Plan, or otherwise address the requirements of the Rule, for the affected emission units in its first Title V permit renewal.	The initial obligation to submit the CAM Plan arose prior to INVISTA's ownership. The facility prepared and submitted the necessary CAM Plan to the Chattanooga-Hamilton County Air Pollution Control Bureau.	6/13/05	8/12/05 Extension requested until permit issuance per letter dated 8/5/05.	8/4/05 See Tab 18.B	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
14	Title V Permit Conditions Applicable to the Entire Facility 3.15	The two pumps that supply glycol to the two scrubbers used to initially control volatile organic compound (VOC) emissions from the two finishers of the liquid crystal polymerization (LCP) facility (Emission Unit 022) at DuPont must be visually inspected at least once every eight (8) hours when the scrubber is required to be in use to verify that the pump is operating. A log must be maintained in which every instance is recorded that the pump is not operating when the scrubber is required to be in use. For each such incident, the cause of the incident, calendar date, beginning time, elapsed time, and estimated resulting emissions shall also be recorded in the appropriate log.	A spot check of inspection records for February, May and June of 2005 indicated that the #6 Spray Column (scrubber) pump at DuPont was down from 4/29/05 through 5/2/05. However, no associated "incident log" was generated.	The facility has notified the affected company at the site (DuPont) of this issue and has requested that DuPont identify and implement an appropriate corrective action. The facility originally requested an extension until 9/30/05 per letter dated 8/5/05. DuPont informed INVISTA that it already conducts a "visual inspection" of the pumps for the scrubbers at least once every eight (8) hours when the scrubbers are in operation. DuPont has created and will maintain a log of incidents whenever a glycol spray pump is not in operation per the requirements of the TITLE V permit Section 3.15 for emission units 021, 022. The log will document each instance, cause of incident, date, beginning time, duration and estimated resulting emissions.	6/13/05	8/12/05 Current extension requested until 1/31/05 per letter dated 11/28/05.	12/29/05	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
15	Title V Permit Emission Unit 022 Special Condition 1.2	For each of the two finishers of the liquid crystal polymerization (LCP) facility (Emission Unit 022) at DuPont, the finisher shall not be operated if either of its two scrubbers is not in operation.	A spot check of inspection records for February, May and June of 2005 indicated that one or more of the two finishers at DuPont were operated from 4/29/05 through 5/2/05 while one of the two scrubbers was not in operation.	The facility has notified the affected company at the site (DuPont) of this issue and has requested that DuPont identify and implement an appropriate corrective action. The facility originally requested an extension until 9/30/05 per letter dated 8/5/05. DuPont will cease operations of the finishers if either of (the) two scrubbers are not in operation. In addition, DuPont will create and maintain a log of incidents whenever a glycol scrubber is not in operation per the requirements of INVISTA's Title V permit Section 3.15 for emissions units 021, 022. The log will document each instance, cause of incident, date, beginning time, duration and estimated resulting emissions.	6/13/05	8/12/05 Current extension requested until 1/31/05 per letter dated 11/28/05.	12/29/05	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
16	Title V Permit Conditions Applicable to the Entire Facility 3.16	The pump for the principle scrubber that is used to control emissions of VOCs from the LCP facility (Emission Unit 022) at DuPont must be visually inspected at least once every eight (8) hours when the scrubber is required to be in use to verify that the pump is operating. A log shall be maintained in which every instance is recorded that the pump is not operating when the scrubber is required to be in use. For each such incident, the cause of the incident; calendar date; beginning time; elapsed time; and estimated resulting emissions shall also be recorded in the log.	There are two recirculation pumps for the principle (caustic) scrubber at DuPont; only one pump is operated at any one time, the other being a backup. A spot check of inspection records for February, May and June of 2005 indicated that one of the two recirculation pumps (the "Scrubber Reclamation Pump North") was not in use on 5/01/05. However, no associated "incident log" was generated.	The facility has notified the affected company at the site (DuPont) of this issue and has requested that DuPont identify and implement an appropriate corrective action. The facility originally requested an extension until 9/30/05 per letter dated 8/5/05. In response, DuPont provided to INVISTA documentation that one of the recirculation pumps was running on 5/01/05 and thus no incident log was required to be generated.	6/13/05	8/12/05 Current extension requested until 1/31/05 per letter dated 11/28/05.	12/29/05	E
17	CAPCO 4-60(e)(9)(ii)	Any part 70 source paying annual emission fees based on allowable emissions shall file an allowable emissions analysis with the director which summarizes its allowable emissions of all "regulated pollutants (for presumptive fee calculation)".	In the "allowable emissions summary" letter dated October 26, 2004 submitted by INVISTA the annual allowable emissions for VOC and HAPs are transposed.	The facility reviewed the original letter and concluded that the error did not impact its fee calculation. The facility sent a letter to the Chattanooga-Hamilton County Air Pollution Control Bureau clarifying and correcting the information previously submitted.	6/14/05	8/13/05	7/29/05	E
18	40 C.F.R. § 112.3	Facilities storing oil in regulated quantities must prepare a Spill Prevention Control and Countermeasure (SPCC) Plan meeting the requirements of the regulations.	The Facility's existing SPCC Plan contains twelve technical deficiencies.	A Professional Engineer (PE) updated and recertified the SPCC Plan to address the noted deficiencies. Affected personnel received annual training on the revised plan.	6/7/05	8/6/05	8/4/05	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
19	40 C.F.R. § 112.7(c)	The SPCC Regulations in 40 CFR 112.7(c) require containment at the facility to prevent spills from reaching a navigable water from loading and unloading areas, transformers, and oil reservoirs.	Tanks and piping in the Power Area, including the Dowtherm receiving tanks and Dowtherm unloading area, as well as tanks and piping in the BP Area, transformers and circuit breakers in Substation 2 (DuPont), backup trucks for the process oil waste system, tanks and piping in the DUSA manufacturing area, tanks NI-29 (DUSA) and NI-35 (DUSA and INVISTA), and two recovery drums at the belt skimmer, rely on the boom and belt skimmer in the wastewater discharge channel as secondary containment. During heavy rainfalls and when the city prevents the plant from discharging to the city sewer, the water level in the wastewater channel has on at least two occasions overflowed the boom and belt skimmer and flowed to the Tennessee River. If oil contaminated wastewater bypasses the retention pond and overflowed the boom and belt skimmer, an oil release would not be contained. The Plant's SPCC Plan relies on this system to provide secondary containment for the above mentioned areas which does not adequately control the potential for spills.	The facility engaged a Professional Engineer (PE) to evaluate the adequacy of existing secondary containment and diversion structures in the areas noted. The PE concluded that the existing containment system for these potential sources satisfies the SPCC regulations.	6/8/05	8/7/05	8/4/05	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
20	40 C.F.R. § 112.7(c)	The SPCC Regulations in 40 CFR 112.7(c) require containment at the facility to prevent spills from reaching a navigable water from loading and unloading areas, aboveground piping, transformers, and oil reservoirs.	The following deficiencies were observed: 1. The diesel and gasoline truck loading/unloading area does not have secondary containment. 2. The sign posted at the diesel/gasoline truck unloading area indicates if there is a spill in the area, that water should be used to disperse the spill, which is an inappropriate response for an oil spill. 3. The aboveground piping from the No. 2 fuel oil truck unloading area and the piping for the No. 2 fuel oil tank does not have adequate secondary containment.	The facility has removed the sign directing water dispersion of product spills. The facility engaged a Professional Engineer (PE) to evaluate the adequacy of existing secondary containment and diversion structures in the areas noted. The PE concluded that the existing containment system for these potential sources satisfies the secondary containment requirements of the SPCC regulations.	6/8/05	8/7/05	8/4/05	E
21	40 C.F.R. § 112.7(e)(8)	Since the Facility is required to prepare an SPCC Plan, the Plant is required to conduct an inspection in accordance with written procedures.	Personnel interviewed in the Powerhouse indicated the Dowtherm and diesel fuel emergency generator tanks are visually inspected daily for signs of any oil releases. This daily inspection is not recorded. A semi-annual inspection in conjunction with the other SPCC Semi-Annual Inspections was not documented for these tanks.	A Professional Engineer (PE) updated and recertified the SPCC Plan to address the noted deficiencies. Affected personnel received training on the revised plan including revised inspection forms and recordkeeping requirements.	6/8/05	8/7/05	8/4/05	B,F
22	40 C.F.R. § 112.7(e)(10)	Since the Facility is required to prepare an SPCC Plan, the Plant is required to provide personnel with an initial training in the SPCC Plan, as well as provide refresher training.	Personnel interviewed indicated that refresher SPCC training was not conducted.	The facility provided SPCC training to affected personnel and maintains documentation of such training in the facility files.	6/8/05	8/7/05	7/27/05	B,F
23	40 C.F.R. §112.20	Facilities that store more than 1,000,000 gallons of oil and are located such that a spill could cause substantial harm to the environment must prepare and submit a Facility Response Plan to the local EPA administrator.	The Facility stores more than 1,000,000 gallons of oil and is located such that a spill could cause substantial harm to the environment; therefore, the Facility should prepare a FRP.	The facility engaged a Professional Engineer (PE) to complete a formal Certification of Substantial Harm evaluation, the result of which is that a Facility Response Plan (FRP) is not needed.	6/8/05	8/7/05	8/4/05	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
24	40 C.F.R. § 355.30	A Facility at which there is present an Extremely Hazardous Substance (EHS) equal to or greater than the threshold planning quantity (TPQ) must provide notification to the State Emergency Response Commission (SERC) that the Facility is subject to emergency planning requirements and shall designate an emergency coordinator.	There are four EHSs present in quantities greater than the TPQ: hydroquinone, nitric acid, sulfuric acid, and phenol (based on the 2004 Tier II report). There was no record that notifications were submitted to the appropriate agencies.	The facility located the initial TPQ notification from 1987 for the listed chemicals in its files. Accordingly, the facility determined that this finding is not an exception. The facility has placed a copy of the notification in its EPCRA files.	6/7/05	8/6/05	7/13/05	E
25	40 C.F.R. § 370	A Tier II report is required to be submitted on an annual basis for any hazardous chemical that requires an MSDS and is present in quantities greater than or equal to 10,000 lbs or any EHS present in greater than or equal to 500 lbs. Location of each tank/container is required to be listed.	"HCFC-134A" is reported on the 2004 Tier II report. 134A is a "hydrofluorocarbon (HFC)" not a "hydrochlorofluorocarbon (HCFC)" and should be listed as HFC-134A.	The facility revised the Tier II report to address this error and submitted the revised report to the appropriate agencies. The facility updated the EPCRA tracking spreadsheet to include the proper chemical name for this material for future reporting.	6/8/05	8/7/05	7/28/05	E
26	40 C.F.R. § 370	A Tier II report is required to be submitted on an annual basis for any hazardous chemical that requires an MSDS and is present in quantities greater than or equal to 10,000 lbs or any EHS present in greater than or equal to 500 lbs. Location of each tank/container is required to be listed. In addition a MSDS must be submitted to the agency within 90 days.	A 1000 gallon tank and (2) 300 gallon totes of Continuum 3138 were observed at the area near Cooling Tower #2. The label indicates it has a health hazard rating of 2. Assuming a density of 8.0 lbs/gallon, the quantity stored on-site appeared to exceed 10,000 lbs at the time of the site visit and may have exceeded 10,000 lbs during calendar year 2004. It was not reported on the 2004 Tier II report nor was a copy of the MSDS submitted to the agency.	The facility quantified the maximum amount of Continuum 3138 present onsite in 2004 and has determined that Continuum 3138 should have been included in the 2004 report. The facility has prepared and submitted a revised Tier II report to the appropriate agencies. The facility updated the EPCRA tracking spreadsheet to include these storage containers for evaluation for future reporting.	6/8/05	8/7/05	7/28/05	B,F
27	40 C.F.R. § 370	A Tier II report is required to be submitted on an annual basis for any hazardous chemical that requires an MSDS and is present in quantities greater than or equal to 10,000 lbs or any EHS present in greater than or equal to 500 lbs. Location of each tank/container is required to be listed.	The 2004 Tier II report for Fuel Oil/diesel does not cover the tanks associated with the powerhouse emergency generator or the emergency fire water pump.	A revised Tier II report has been prepared and submitted to the appropriate agencies to include the additional storage containers/areas. The facility updated the EPCRA tracking spreadsheet to include these storage containers/areas for evaluation for future reporting.	6/8/05	8/7/05	7/28/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
28	40 C.F.R. § 370	A Tier II report is required to be submitted on an annual basis for any hazardous chemical that requires an MSDS and is present in quantities greater than or equal to 10,000 lbs or any EHS present in greater than or equal to 500 lbs. Location of each tank/container is required to be listed.	The 2004 Tier II report for sodium hypochlorite does not cover the tank by cooling tower #2; the 2004 Tier II report for HCFC 123 and HFC 134 A does not cover storage locations near cooling tower # 2.	A revised Tier II report has been prepared and submitted to the appropriate agencies to include the additional storage containers/areas. The facility updated the EPCRA tracking spreadsheet to include these storage containers/areas for evaluation for future reporting.	6/8/05	8/7/05	7/28/05	B,F
29	40 C.F.R. § 370	A Tier II report is required to be submitted on an annual basis for any hazardous chemical that requires an MSDS and is present in quantities greater than or equal to 10,000 lbs or any EHS present in greater than or equal to 500 lbs. Location of each tank/container is required to be listed.	Typically 100 lbs or more of lead is contained in each lead acid fork lift and transportation vehicles. Lead would be reportable under Tier II if 10,000 lbs or more was stored on-site. In addition there are numerous batteries for UPS that contain lead. There were no calculations available to determine if the quantity of lead stored on-site exceeded 10,000 lbs. The 10,000 lb threshold for lead was exceeded in 2004 based on visual observations of the number of batteries present.	The facility quantified the amount of lead found in these and other onsite batteries and has determined that lead should have been included in the 2004 Tier II report. The facility has prepared and submitted a revised Tier II report to the appropriate agencies. The facility added lead from forklifts, transportation vehicles and batteries to the EPCRA tracking spreadsheet for consideration in future reporting.	6/13/05	8/12/05	7/28/05	B,F
30	TCRR 1200-1-11.03(5)(b))	Large and small quantity generators (LQGs and SQGs) are required to file an annual hazardous waste report with TDEC.	On the 2004 Annual Hazardous Waste, attachment WS, waste stream 1 formic acid solution, item 3, block 3d appears to be incorrectly calculated based on the instructions for completing the form. The quantity reported in block 3d is 4,656 kg and should be 4,420 kg.	The facility has corrected the error on the 2004 report and filed a revised report with TDEC. The facility developed a spreadsheet to reduce its dependence on manual calculations. Affected personnel have and will continue to received annual training on the use of the tool.	6/7/05	8/6/05	7/29/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
31	40 C.F.R. § 262.20	A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage, or disposal must prepare a manifest according to the instructions included in the appendix to 40 CFR 262.20. Item 16 of the appendix requires that the generator sign and date the certification statement (block 16) of the manifest.	Block 16 of manifest document number 59690 was not dated by the generator. (Note: The manifest was probably generated around May of 2005 as the manifest's transporter acknowledgement is dated May 12, 2005.)	The facility prepared a QA/QC checklist for use in reviewing manifests prepared for hazardous waste shipments. Affected personnel were trained on manifest preparation and use of the checklist.	6/7/05	8/6/05	6/21/05	C
32	TCA 68-212-301 to TCA 68-212-312	Under the Tennessee Hazardous Waste Reduction Act, LQG's and SQG's are required to incorporate waste reduction into their hazardous waste management activities by developing and maintaining a hazardous waste reduction plan.	There is an apparent error in transferring the waste disposal quantities from the summary sheet to the individual worksheets appearing in the waste minimization plan as follows: Methanol/Phenol solution - 2,960 kg on summary sheet vs 4,608 kg on worksheet. Sodium Hydroxide - 6,472 kg on summary sheet vs. 4,608 on worksheet. Aliphatic Alcohols - 0 kg on summary sheet vs. 258 kg on worksheet. Petroleum Naphtha - 1,535 kg on summary sheet vs. 4,608 kg on worksheet.	The facility reconciled the differences between the summary sheet and worksheets and revised the waste minimization plan accordingly. The facility prepared a QA/QC checklist for use in preparing updates to the waste reduction plan. Affected personnel were trained on completion of the plan and use of the checklist.	6/7/05	8/6/05	7/14/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
33	40 C.F.R. § 262.11	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.	The facility has materials present that could be considered waste materials requiring characterization. One unopened 50 lb pail of "Spectrus Ox 103" was found on a pallet in the old sewage treatment laydown area. The storage instructions state that this material should be stored in a cool dry place. The packaging date on the container is 9/29/1999. If this material has been stored in a manner such that it is no longer useable it could be considered a solid waste. In the T-95 Pack room, 7- 55 pound pails of nickel metal powder were found. On the 3rd floor of the T-95 building, 8 pails of the same material was found. If these materials are unique to the T-95 process and cannot be used they may be considered discarded and require characterization for disposal. On the 3rd floor of the T-95 Building, one blue drum of NRD-159 and one pail of 99% Isopropanol was found. If these materials are spent they may be considered to be discarded and require characterization for disposal.	The facility completed a characterization of these materials. The facility has prepared a waste management plan that includes documentation of hazardous waste classification and disposal requirements. Affected personnel have received training on the plan.	6/8/05	8/7/05	7/27/05	B,F
34	40 C.F.R. § 273.15	A small quantity generator of universal waste must be able to demonstrate the amount of time a universal waste has been accumulated on site, and may not accumulate universal waste for a period of more than one year.	The container of Ni-Cad Batteries in the battery accumulation area did not have an accumulation start date on it.	The Ni-Cad batteries at the site were properly disposed. The facility has prepared a universal waste procedure to address universal waste management requirements, including documentation of accumulation start date. Affected personnel have and will continue to receive annual training on the procedure.	6/8/05	8/7/05	7/27/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
35	40 C.F.R. § 273.14(a)	Universal waste batteries (i.e. each battery) or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)", or "Waste Battery(ies)" or "Used Battery(ies)"	Lead acid batteries were observed on a pallet in the battery accumulation area without the required labeling.	The batteries have been properly labeled. A universal waste procedure has been prepared to address universal waste management requirements, including documentation of accumulation start date. Affected personnel have and will continue to receive annual training on the procedure.	6/8/05	8/7/05	7/27/05	B,F
36	40 C.F.R. § 262.11	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.	The facility is disposing of fluorescent bulbs as special waste based on a laboratory analysis of 10 light bulbs. There is not adequate evidence that this waste characterization was performed in accordance with the requirements of 40 CFR 262.11(c)(1).	The facility completed a characterization of a representative sample of each brand/type of fluorescent lamp and is now managing them as hazardous waste. The facility has retained a waste management firm to recycle all of its fluorescent bulbs.	6/9/05	8/8/05	7/27/05	B,F
37	40 C.F.R. § 262.11	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.	Per discussions with plant personnel, metal halide and high pressure sodium bulbs are currently being disposed of in the trash. No waste characterization has been performed on these waste streams.	The facility completed a characterization of a representative sample of each brand/type of fluorescent lamp and is now managing them as hazardous waste. The facility has retained a waste management firm to recycle all of its fluorescent bulbs.	6/9/05	8/8/05	7/27/05	B,F
38	40 C.F.R. § 264.173	A container of hazardous waste must always be closed during storage, except when it is necessary to add or remove waste	A container of perclene soaked fibers was observed under hood 7 in the Chem lab with the cover on top of the container but not fastened in place.	The cover on the container has been fastened in place. The facility has developed a procedure for managing satellite storage areas in the lab, including the requirement to keep containers closed when not adding or removing wastes. Affected personnel were trained on the new procedure.	6/9/05	8/8/05	7/29/05	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
39	40 C.F.R. § 264.173	A container of hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.	The hazardous waste satellite accumulation container under hood 12 in the Chem Lab was not closed.	All containers in the ChemLab have been removed and this area will not be used a SAA under the facility's new procedure. The facility developed a procedure for managing lab waste consistent with the overall waste management plan so that the lab wastes are not accumulated in the lab. Affected personnel were trained on the new procedure.	6/9/05	8/8/05	7/29/05	C
40	40 C.F.R. § 264.173	A container of hazardous waste must always be closed during storage, except when it is necessary to add or remove waste	Satellite accumulation of aerosol cans is occurring in containers with holes cut in the top to allow placement of the cans. This closure of the container does not meet the requirement of the regulation. Instances of this practice were noted in the following areas: -NGI Shop -T32 Windup Shop -T32 Electrical Shop -T32 Extruder Floor -Truck Garage -Behind the GBI office area -Inside the GBI Shop -Inside the T-32 Pack Room	The facility has retrofitted the aerosol can accumulation containers throughout the facility with covers that do not have openings. The facility has prepared a satellite area management procedure, including the requirement for having closed containers. Affected personnel received training on the new procedure.	6/9/05	8/8/05	7/27/05	B,F
41	40 C.F.R. § 262.34 (c) (1)(ii)	A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste at or near the point of generation provided he marks his containers with the words "Hazardous Waste" or with other words that identify the contents of the container.	At hoods 9, 10 and 12 in the Chem Lab, chemicals are accumulated in unmarked satellite accumulation containers.	All containers in the ChemLab have been removed and this area will not be used a SAA under the facility's new procedure. The facility has developed a procedure for managing lab waste consistent with the overall waste management plan so that the lab wastes are not accumulated in the lab. Affected personnel were trained on the new procedure.	6/9/05	8/8/05	7/29/05	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
42	40 C.F.R. § 262.34 (c) (2)	Waste being removed from a satellite accumulation area must be transported to a 90 day storage area	At hoods 9, 10 and 12 in the Chem Lab, hazardous waste accumulated in a satellite accumulation container are transported to the satellite accumulation area outside of the laboratory, rather than a 90 day accumulation area.	All containers in the ChemLab have been removed and this area will not be used as a SAA under the facility's new procedure. The facility has developed a procedure for managing lab waste consistent with the overall waste management plan so that the lab wastes are not accumulated in the lab. Affected personnel were trained on the new procedure.	6/9/05	8/8/05	7/29/05	B,F
43	40CFR 262.34 (c) (2)	Waste being removed from a satellite accumulation area must be transported to a 90 day storage area	Aerosol cans accumulated in satellite accumulation areas in shops are going to essential materials for further packaging prior to being shipped, rather than going to a 90 day area. The essential materials building is not operated as a 90 day area.	The facility properly disposed of the aerosol cans. The facility has prepared a satellite area management procedure, including the requirement for transfer of waste from the satellite area directly to the 90 day strorage area. Affected personnel received training on the new procedure.	6/9/05	8/8/05	7/27/05	B,F
44	40 C.F.R. § 262.11	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.	Approximately 300 lead calcium batteries were observed in the T-32 Drive Room. The condition of these batteries (i.e. electrolyte levels and corrosion on terminals) could be construed as an indicator that these batteries have been abandoned, in which case they would become subject to waste characterization requirements.	The facility determined that these batteries are in use and thus not a waste.	6/9/05	8/8/05	7/28/05	E
45	40 C.F.R. § 262.11	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.	A bucket of assorted and apparently spent fuses was observed by panel LP-DK in the T32 drive room. If these fuses are waste material then they are subject to waste characterization requirements.	The facility completed a waste characterization and properly disposed of the fuses. The facility prepared a waste management plan that includes documentation of hazardous waste classification and disposal requirements. Affected personnel received training on the plan.	6/9/05	8/8/05	7/22/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
46	40CFR § 261.4 (b) (13)	In order to qualify for the exemption from hazardous waste and used oil regulations, used oil filters must be gravity hot drained using one of the following methods: 1. Puncturing the filter anti-drain back valve or the filter dome end and hot draining 2. Hot draining and crushing 3. Dismantling and hot-draining 4. Any other equivalent hot-draining method that will remove used oil.	Oil filters accumulated in a 55-gallon barrel in the truck garage were examined. They were not drained using one of the acceptable methods.	The facility characterized and properly disposed of the container of used oil filters. The facility developed a procedure for managing used oil filters, including the requirement for gravity hot draining of the filters. Affected personnel were trained on the procedure.	6/13/05	8/12/05	7/25/05	B,F
47	40 C.F.R. § 262.11	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.	A discarded air conditioning unit was observed on a pallet behind the truck garage. A proper waste determination must be conducted on the unit.	The facility completed a waste characterization and properly disposed of the air conditioning unit. The facility prepared a waste management plan that includes documentation of hazardous waste classification and disposal requirements. Affected personnel received training on the plan.	6/13/05	8/12/05	7/27/05	B,F
48	40 C.F.R. § 264.173	A container of hazardous waste must always be closed during storage, except when it is necessary to add or remove waste	Aerosol cans are being accumulated in the essential materials building in open cardboard containers prior to shipment offsite for disposal.	The facility properly disposed of the aerosol cans. The facility prepared a satellite area management procedure, including the requirement for transfer of waste from the satellite area directly to the 90 day strorage area. Affected personnel received training on the new procedure.	6/13/05	8/12/05	7/27/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
49	40 C.F.R. § 262.34 (c) (1)(ii)	A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste at or near the point of generation provided he marks his containers with the words "Hazardous Waste" or with other words that identify the contents of the container.	Aerosol cans are being accumulated in the essential materials building in unlabeled cardboard containers prior to shipment offsite for disposal.	The facility properly disposed of the aerosol cans. The facility prepared a satellite area management procedure, including the requirement for satellite storage containers to be 55-gallons or less. Affected personnel received training on the new procedure.	6/13/05	8/12/05	7/27/05	B,F
50	40 C.F.R. § 262.11	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.	"Spectrus Ox 103" tablets were observed on the ground near the chill well where they are normally added to the system. The tablets appear to be discarded and must therefore be characterized prior to disposal. Container label information indicates that they are classified as DOT oxidizers and would therefore be considered a hazardous waste when discarded.	The facility has collected these tablets and used them for their intended purpose. The operating procedure related to introduction of the tablets to the chill well was revised to reinforce the need to collect any dropped tablets for future use and to not leave these on the ground. Affected personnel received training on the revised procedure.	6/14/05	8/13/05	7/18/05	E
51	Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C.A. § 136 j (A)(2)(g)	Section 136 j (A) (2) (g) of the Federal Insecticide, Fungicide and Rodenticide Act provides that "it shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling"	Behind the Power Shop old garage, 4 containers that formerly contained "Spectrus OX 103" were observed being used as containers. This use of the container is inconsistent with the labeling on the container, which states that the containers should be triple rinsed and punctured, prior to disposal. In the old sewage treatment area, 2 containers that formerly contained "Spectrus OX 103" were observed being used as containers. This use of the container is inconsistent with the labeling, which states that the containers should be triple rinsed and punctured, prior to disposal.	The facility has collected all used Spectrus OX 103 buckets and has triple rinsed, punctured, and disposed of them. The facility has established a procedure for Spectrus OX 103 containers to clarify the need for triple rinsing and puncturing prior to disposal. Affected personnel were trained on the procedure. The facility will use the existing area audit procedure to verify that containers are properly disposed.	6/7/05	8/6/05	7/19/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
52	Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C.A. § 136 j (A)(2)(g)	Section 136 j (A) (2) (g) of the Federal Insecticide, Fungicide and Rodenticide Act provides that "it shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling"	The label on "Spectrus Ox NX1102" indicates that the drums should be tripled rinsed prior to being offered for recycling. The drums are currently being sent to Cardinal container without any processing prior to shipment.	The facility established a procedure for Spectrus Ox NX1102 containers to clarify the need for triple rinsing prior to offering them for offsite recycling. Affected personnel received training on the procedure. The facility will also use the existing area housekeeping procedure to verify that containers are properly disposed.	6/14/05	8/13/05	7/18/05	B,F
53	NPDES Permit No, TN0002844 Section B.4	The NPDES discharge permit requires sampling records to include the date, exact place, time and methods of sampling or measurements; sample preservation procedures; who performed the sampling or measurements; the dates the analysis were performed; who performed the analysis; the analytical techniques; and the results of the analysis.	The analytical records for Ash Pond Outfall 01C do not document the date and time of analysis, the name of the person who performed the analysis, and the analytical techniques used.	The facility has requested the contract laboratory to include this information on analytical reports associated with this permit and verify that it is included. A QA/QC checklist of required information has been prepared. Facility staff have and will continue to review all laboratory analytical reports using this checklist to confirm that the required information is provided. Affected personnel received training on the new checklist.	6/9/05	8/8/05	7/19/05	B,F
54	NPDES Permit No, TN0002844 Section B.4	The NPDES discharge permit requires sampling records to include the date, exact place, time and methods of sampling or measurements; sample preservation procedures; who performed the sampling or measurements; the dates the analysis were performed; who performed the analysis; the analytical techniques; and the results of the analysis.	The Technical Laboratories, Inc. analytical records for the storm water outfalls in 2003 and 2004 do not document the date and time of analysis, the name of the person who performed the analysis, and the analytical techniques used. In addition the Severen Trent analysis for volatile organics in June 2004 for Outfall S08 did not include the analyst name.	A number of these issues arose prior to INVISTA's ownership. The facility has requested the contract laboratory to include the required information on analytical reports associated with this permit and verify that it is included. The facility amended the wastewater operations checklist to include a review of analytical reports for permit required information. Affected personnel received training on the revised checklist.	6/13/05	8/12/05	8/1/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
55	NPDES Permit No, TN0002844 Part I.A	The NPDES permit requires the facility to collect storm water samples at least 72 hours after a rainfall event of 0.1 inches or greater.	Records indicate that none of the storm water samples collected in 2004 were collected at least 72 hours after a rainfall event of 0.1 inches.	The facility reviewed the stormwater sampling plan to verify that sampling requirements are properly described and amended the plan. The facility revised the operations checklist to include a check to confirm that duration between a measurable storm event and the time of sampling is being recorded to ensure that the minimum time required in the permit is followed. Affected personnel received training on the plan and checklist.	6/13/05	8/12/05	7/19/05	B,F
56	NPDES Permit No, TN0002844 Part IV	The NPDES discharge permit requires that semi annual inspections of the plant be performed to evaluate storm water management at the facility. Records of these inspections must be maintained for a period of three years.	Records were not found in the facility files to document that two site inspections were completed in 2004.	The facility confirmed that the inspections were conducted in July 2004 and January 2005, and thus were not timely. These inspections were documented. Personnel responsbile for implementing the semi-annual inspections received training on proper documentation and on timing and frequency of the required inspections.	6/10/05	8/9/05	7/21/05	B,F
57	NPDES Permit No, TN0002844 Part IV	The NPDES discharge permit requires the Plant to prepare a SWPPP in accordance with the permit.	The facility's SWPPP contains thirteen technical deficiencies.	A consultant revised the SWPPP to address the deficiencies. Affected personnel received training on the SWPPP revisions. SWPPP training and annual SWPPP review/update tasks were added to the compliance calendar.	6/15/05	8/14/05	8/12/05	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
58	NPDES Permit No, TN0002844	Each storm water and process water discharge point/outfall must be addressed in the Facility's NPDES permit.	The facility periodically backwashes the screen at the water intake. Water from the backwashing operation is subsequently discharged to the river. The discharge is not addressed in the NPDES permit.	The facility submitted a request to supplement the permit application to include screen backwashing as part of the authorized discharge. The request was submitted to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, along with a request for administrative acknowledgement that the current permit covers this discharge or a modification of the permit to include this discharge. By letter dated 10/17/05, TDEC authorized this discharge under the facility's existing NPDES permit.	6/15/05	8/14/05 Extension requested until permit issuance per letter dated 8/5/05.	10/17/05	B,F
59	NPDES Permit No, TN0002844 Part I Section A.	The wastewater discharge permit requires that Outfall S08 be monitored semi annually for tetrachloroethylene and trichloroethylene.	Records indicate that for the reporting period from September 2004 through February 2005 the facility did not collect a sample for tetrachloroethylene and trichloroethylene analyses at Outfall S08.	The facility has begun to collect such samples as required. The facility has also conducted training for the affected site personnel.	6/15/05	8/14/05	7/19/05	C
60	Wastewater Discharge Permit No. 3202 Special Conditions	The wastewater discharge permit requires the facility to maintain a daily log sheet at the oil cracking system of the amount of oil pumped off to the storage tank, the amount of water discharged to the POTW, and the name of the person who performed these tasks.	A review of the daily log sheet indicates that the amount of oil pumped to the storage tank, the amount of water drained to the POTW, and the person performing these tasks were not always completed on the daily log sheets. If there is no discharge to the POTW or if no oil was pumped off to the storage tank it should be noted.	The facility trained affected personnel on completion of the daily log sheet, including a review of the permit recordkeeping requirements.	6/9/05	8/8/05	7/19/05	B,F
61	Wastewater Discharge Permit No. 3202 Section C.6.	The wastewater discharge permit requires that the oil cracking system daily log sheets be maintained for a period of three years.	A copy of the daily log sheet for April 27, 2005 was not found in the facility files. In addition a daily log sheet for June 29, 2004 was not completed using the standard sheet but was recorded on the back of the sheet for June 28, 2004.	The facility trained affected personnel on completion of the daily log sheet, including a review of the permit recordkeeping requirements.	6/9/05	8/8/05	7/27/05	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
62	Wastewater Discharge Permit No. 3202	The permit requires the facility to notify the POTW, the EPA and the state hazardous waste authorities of any discharge into the POTW of any substance which is a listed or characteristic waste under Section 3001 of RCRA. The notification shall include a description of the wastes discharged specifying the concentration, the type of material, and the hazardous constituents in the waste. Notification does not apply to those chemicals reported under self-monitoring requirements of the permit. The notification must also include certification that the permittee has a program in place to reduce the volume and toxicity of the wastes generated.	The plant provided a brief note on the application indicating the facility's hazardous waste generator status. The description did not fully address the requirements of the permit condition.	The facility has evaluated this issue and has concluded that it is not discharging hazardous wastes to the POTW. As such, the notification requirement does not apply.	6/15/05	8/14/05	8/3/05	E
63	Wastewater Discharge Permit No. 3202	The permit requires the facility to prepare a slug control plan to address minimization and management of the potential to release a slug of toxic or otherwise hazardous material to the POTW.	The facility has prepared a slug control plan, but the plan addresses only spill type releases. It does not mention or describe the potential for release of chemicals from the production processes as required in the permit condition.	The facility has reviewed, revised and submitted to the appropriate agencies a slug control plan to address potential process-related slugs. Affected personnel received training on the revised plan.	6/15/05	8/14/05	8/3/05	D,F
64	Wastewater Discharge permit 3203	When applying for renewal of the wastewater discharge permit, the facility was required to describe the process and the various discharges to the POTW.	The application for renewal of the permit, dated September 22, 2004, does not provide a description of the coal pile runoff or the TIO2 pond discharges. Both discharges are directed to the POTW.	The facility prepared and submitted to the appropriate agencies an amendment to the permit application to clarify that discharge from settling ponds (containing TI02 and coal pile runoff) is routed to the city sewer. The facility has received confirmation from the City that this waste stream is covered by the facility's permit.	6/15/05	8/14/05 Extension requested until agency approval per letter dated 8/5/05.	9/7/05	C,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
65	40 C.F.R. § 761.65	PCB waste may only be stored in a temporary location (i.e., a location not meeting PCB storage facility requirements at Part 761.65) for 30 days from the date of removal from service.	One (1) 55-gallon drum containing PCB waste is located in the battery accumulation area, which meets the EPA definition of a PCB temporary storage location. The container (drum) should be dated with the first date a PCB item/article in the drum was removed from service.	The facility properly disposed of this container and has replaced it with a new temporary container. The waste management procedure has been revised to include the requirement to label the container with the date that the first PCB item is stored and to clarify the need to move PCB items from temporary storage to the PCB storage unit within 30 days. Affected personnel received training on the revised procedure. In addition, a step to confirm that PCB wastes are being moved from temporary storage within 30 days has been added to the existing housekeeping procedure for this area.	6/14/05	8/13/05	7/28/05	D,F
66	40 C.F.R. § Parts 717, 717.1, 717.10, 717.12, 717.15, and 717.15 (d) (Section 8 (c) of TSCA)	Records and reports of allegations by employees that chemicals or mixtures of chemicals have caused significant adverse reactions to humans or the environment must be kept at the facility and copies of said allegations must be provided to the headquarters or other central facility of the company.	An allegation made by an employee on September 29, 2004, that he or she was injured by exposure to a mixture of chemicals present in a fiber finish was not appropriately recorded as an 8(c) significant adverse effect in a facility file. Also, a copy of an allegation report was not filed in the headquarters or other central facility of the company.	The facility prepared an internal record of the incident as required. The facility reviewed its TSCA training module and QA/QC practices to ensure their adequacy under the TSCA 8(c) requirements. Affected personnel received additional training on TSCA 8(c) requirements.	6/8/05	8/7/05	8/1/05	C,F
67	40 C.F.R. § Parts 707, 707.20, 707.20(b), and 707.20(c) (Section 13 of TSCA) and Guidance Document "Toxic Substance Control Act, A Guide For Chemical Importers/Exporters, An Overview" (EPA 560/1-91-001) questions 53 and 55 on pages 31 and 32.	Imported shipments of chemicals or mixtures of chemicals must be covered by a "Positive" or "Negative" certification statement submitted to U.S. Customs at the time of importation. EPA may grant limited additional time (1-2 weeks) to importers and recipients of shipments received by common carriers (e.g. FedEx, UPS, etc.) to submit "post receipt" certification directly to EPA HQ.	There is no evidence for a number of shipments of nylon 6,6 pellets from the Netherlands that the correct import certification was completed. In addition, an internal form for recent shipments of the pellets indicated that the import certification was not required for the pellets. In the past the form for earlier shipments of the pellets correctly indicated the import certification was required.	The facility provided import certifications for the nylon 6,6 shipments in question to EPA. Affected personnel have and will continue to receive annual training on the import certification requirements.	6/7/05	8/6/05	8/3/05	B,F

EXCEPTIONS SELF-IDENTIFIED TO THE AUDITOR ARISING OUTSIDE OF THE AUDIT

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
1	NPDES Permit No, TN0002844	Only the wastewater sources identified in the Plant's NPDES Permit can be discharged via the permitted outfalls.	**Self Identified** Periodically during heavy rainfall events the Plant is not allowed to discharge to the city sewer. When this occurs the Plant diverts the wastewater flow to the 6,000,000 gallon retention basin. When full the retention basin overflows to the discharge ditch which on two occasions (December 2004 and May 2003) overflowed to Outfall 001. Outfall 001 is not permitted to discharge process wastewater. The State agency was appropriately notified of the discharges and the Plant has hired a consultant to investigate this issue.	The facility has engaged an engineering firm to identify and evaluate alternatives that will prevent unauthorized wastewater discharges through Outfall 001. The facility is continuing to work with the engineering firm to develop and evaluate alternative and will prepare a work plan and implement the selected alternative(s) in consultation with the appropriate authorities. The facility originally requested an extension until 11/30/05 per letter dated 8/5/05.	6/8/2005 (Date reviewed by auditor)	8/10/05 Current extension requested until 6/30/06 per letter dated 1/20/06.	Pending See Tab 18.A	B,F
2	Wastewater Discharge Permit: 3202 Section C.6.a.	The permit requires the facility to maintain, all monitoring information, calibration and maintenance records, original strip chart recordings, copies of all reports and all data used to complete the permit application for a period of three years.	**Self Identified** Personnel indicated and records in the file document that on several occasions the pH meter and flow meter that continuously monitor outfall 01B failed to record the flow and pH data. Thus the Plant does not have the continuous monitoring records as required by the permit. The city has been notified of the issue and the Plant is in the process of installing a new continuous monitoring device.	The facility has completed the replacement of the continuous monitoring recorder. Affected personnel have received training on the new device and the recordkeeping requirements of the permit. The facility has revised the operations checklist to include a check to confirm that the required records are being maintained.	6/8/2005 (Date reviewed by auditor)	8/10/05	7/25/05	B,F
3	NPDES Permit No, TN0002844	The NPDES discharge permit requires daily sampling Outfall 001 for total suspended solids (TSS). The permit establishes a daily limit of 55 lbs/daily.	**Self Identified** On September 4, 2004, November 11, 2004, and December 2, 2004 the facility exceeded the daily TSS permit limit. The TDEC was appropriately notified of the exceedance.	The facility has reviewed the effectiveness of actions taken to date to prevent recurrence of TSS exceedances and has determined that additional actions are not needed to prevent recurrence.	6/10/2005 (Date reviewed by auditor)	8/12/05	7/13/05	C

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TAB 6.A

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
4	NPDES Permit No, TN0002844	The NPDES permit requires the facility to maintain all monitoring records for three years.	**Self Identified** Personnel indicated and records in the file document that on several occasions the flow meter that continuously monitor outfall 001 and 01D failed to record the flow data. Thus the Plant does not have the continuous monitoring records as required by the permit. The TDEC has been notified of the issue and the Plant is in the process of installing a new continuous monitoring device.	The facility completed the replacement of the continuous monitoring data recorder. Affected personnel received training on the new device. The facility revised the operations checklist to include a check to confirm that the required records are being maintained.	6/10/2005 (Date reviewed by auditor)	8/12/05	7/20/05	A,F

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PSD Findings
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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); Chattanooga Air Pollution Control Ordinance §4-41, Rule18.4(a), (c), (d), (g) and (i).	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's ownership, in the 1997 to 1998 time frame, the facility installed eight T-95 spinning machines and associated ancillary equipment, and increased boiler capacity. These changes resulted in increases of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
2	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); Chattanooga Air Pollution Control Ordinance §4-41, Rule18.4(a), (c), (d), (g) and (i).	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's ownership, in 1997 the facility installed a T-71 spinning machine and associated ancillary equipment. The facility also upgraded vaporizers to support this project. These changes resulted in an increase of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

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PSD Findings
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TAB 6.B

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Completed	Frequency/ Duration
3	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); Chattanooga Air Pollution Control Ordinance §4-41, Rule18.4(a), (c), (d), (g) and (i).	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's ownership, in 1997 the facility made changes to its T-37 spinning machines to convert them to T-74 spinning machines. These changes resulted in an increase of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

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Voluntary Disclosures for Dalton, Georgia
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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
1	40 C.F.R. § 273.14(e)	Universal waste lamp containers must be labeled with one of the following phrases - "Universal Waste Lamps", "Waste Lamps" or "Used Lamps."	The facility accumulates spent lamps in a box marked "Hazardous Waste." Once an amount sufficient for disposal has been accumulated, the facility arranges for pick up by a waste contractor who manages the spent lamps as a universal waste. It is inappropriate to label the spent lamps as hazardous waste and subsequently dispose of them as universal waste because the requirements differ.	The facility removed the hazardous waste label and marked the container with the words "Universal Waste - Lamps." The facility prepared a universal waste management procedure. Affected personnel received training on the procedure.	5/17/05	7/16/05	6/10/05	B,F

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Item	Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. §§ 370.21 and 370.20(c)	The owner or operator of a facility subject to this subpart shall submit an MSDS on or before October 17, 1990 (or within three months after the facility first becomes subject to this subpart), for all hazardous chemicals present at the facility at any one time in amounts equal to or greater than their thresholds.	The facility exceeded the applicable threshold for oxygen in September 2004 and has not submitted the MSDS to the appropriate agencies.	The facility included oxygen on the Tier II report for 2004, which was submitted by March 1. The facility indicated in the cover letter that oxygen is being reported to satisfy the requirements of EPCRA 311 in addition to the Tier II reporting requirement. The facility has also reviewed and updated the procedure for bringing new materials onsite as needed to ensure that EPCRA obligations are clear. Staff responsible for procurement of new materials has been trained on the updated procedure.	2/10/05	4/10/05	3/21/05	C
2	9 VAC 20-60A.262.11	A person who generates a solid waste must determine if that waste is a hazardous waste through testing or generator/process knowledge.	Currently, hazardous waste 1,1,1-trichloroethane generated at the facility is characterized incorrectly as a D001 (ignitable) and F001 waste (spent halogenated solvents used in degreasing). However, the waste should not be characterized as a D001 waste because it has a flash point above 140 degrees F and should not be a F001 waste because 1,1,1-trichloroethane is not used in degreasing. The waste should be characterized as a F002 waste because 1,1,1-trichloroethane is actually used as a lubricating-coolant and not as a degreaser.	The facility has reviewed the variability of this waste stream to ensure that it would never classify as a D001 waste. In addition, this waste stream has been assigned an F002 code, rather than D001 or F001. All plant waste streams have been checked to ensure proper waste classifications. Documentation of waste classifications has been modified as appropriate. A revised Notification of Hazardous Waste Activity form (8700) has been filed with VADEQ to communicate the necessary waste classification changes.	2/8/05	4/8/05	4/6/05	B,F

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Item	Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
3	9 VAC 20-60A.279.22(c)	All containers and tanks used to store used oil must be labeled or marked clearly with the words "Used Oil."	One (1) unlabeled 54-gallon (Canadian) drum of used oil was observed on the southwest exterior corner of the building.	The facility has labeled this container with the words "used oil." The container has been added to the inspection protocol to confirm proper labeling going forward. The procedure that addresses container management has been revised to address proper labeling. Staff with container management responsibilities have received training on the updated procedure.	2/8/05	4/8/05	3/18/05	C
4	9 VAC 20-60A.265.176	Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.	Ignitable hazardous waste (D001) observed in the "Drum Room" 90 day Hazardous Waste Accumulation Area (HWAA) is within 50 feet of the property boundary.	The facility asked VADEQ, through a written request, to approve continued use of the storage area for D001 waste. By letter dated 3/28/2005, VADEQ conditionally approved the use of the storage area. The facility has documented meeting the conditions, which included posting a sign on the storage area.	2/8/05	4/8/05	4/6/05	B,F
5	9 VAC 20-60A.265.51, 265.52, and 265.54	Each owner or operator of a facility generating hazardous waste must have a contingency plan and update that plan when necessary.	The facility Hazardous Waste Contingency Plan (HWCP) needs to be updated to include the capabilities of emergency equipment, evacuation plan information, and emergency procedures stipulated in Part 265.	The facility has updated the Hazardous Waste Contingency Plan (HWCP) to include the capabilities of emergency equipment, evacuation plan information, and emergency procedures stipulated in Part 265. Copies of the updated HWCP have been sent to the local fire department, hospital, sheriff, and rescue squad. Plant staff has received training on the updated HWCP. Review of the plan on an annual basis for accuracy has been included on the facility Compliance Calendar.	2/8/05	4/8/05	4/7/05	A,F

Item	Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
6	9 VAC 20-60A.265.16	The owner or operator of a facility generating hazardous waste must maintain the job titles and written job descriptions for each individual that engages in hazardous waste management.	No job descriptions exist in the facility Hazardous Waste Contingency Plan (HWCP) for individuals that generate and manage hazardous waste at the Kitamura machines. The job descriptions should include the requisite skill, education, or other qualifications and duties required of individuals assigned to hazardous waste management.	The facility has prepared a job description for individuals that generate and manage hazardous waste at the Kitamura machines. The job description defines the requisite skill, education (or other qualifications) and duties required of individuals assigned to Kitamura hazardous waste management. The job description has been reviewed with these individuals, and a copy of the job description has been appended to the HWCP.	2/8/05	4/8/05	4/7/05	B,F
7	9 VAC 20-60A.262.20 and 268	A generator who transports or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a manifest and complete a land disposal restriction form according to the instructions contained in Part 262.	There were no land disposal restriction (LDR) forms associated with manifest number 60064 (07-09-04) and manifest number 12903 (12-17-03).	The facility has reviewed its waste manifest procedure and updated it to ensure that LDR forms are documented in the facility file. During further file review, the LDR form associated with manifest 60064 was found and it has been attached to the manifest. The other manifest, 12903, related exclusively to DuPont waste generated during demolition activities at the nylon plant. This information was forwarded by letter to DuPont.	2/8/05	4/8/05	4/7/05	B,F
8	9 VAC 20-60A.260.10	Facilities generating hazardous waste must manage and dispose of hazardous waste in accordance with VADEQ regulations.	According to site personnel, paper towels used with acetone (finger nail polish remover), 1,1,1-trichloroethane, and Crown Red Stencil Ink (methylene chloride) are disposed of in solid waste receptacles inside the facility and in a solid waste dumpster outside the facility. Disposition of hazardous waste with solid waste constitutes improper disposal of hazardous waste.	The facility moved and properly disposed of the paper towels. The facility has established satellite accumulation areas for towels used with "listed" wastes. A towel management procedure has been developed to control the accumulation and disposition of the towels. All plant staff has received initial training on the towel management procedure. Annual refresher training has been added to the compliance calendar as part of the Hazardous Waste Contingency Plan.	2/9/05	4/9/05	4/7/05	B,F

Item	Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
9	9 VAC 20-60A.262.34	Facilities generating hazardous waste must ensure that the waste is correctly labeled as to the contents of the waste during storage in a 90 day hazardous waste accumulation area (HWAA).	One (1) 55-gallon drum of M-310 hazardous waste was incorrectly labeled with the waste code D040, which indicates the waste contains trichloroethylene (TCE). This is incorrect as the waste M-310 is actually 1,1,1-trichloroethane.	The facility has removed the D040 waste code and added F002 to the label. All plant waste streams have been checked to ensure proper waste classifications. Documentation of waste classifications has been modified as appropriate. Staff with responsibility for container management has received training on the application of the waste classifications to container labeling.	2/9/05	4/9/05	4/7/05	B,F
10	9 VAC 20-60A.262.34	Facilities accumulating hazardous waste in a Satellite Accumulation Area (SAA) must manage and store the waste in accordance with SAA rules in Part 262.	Hazardous waste 1,1,1-trichloroethane generated in the Kitamura kevlar machine is not currently accumulated or managed as SAA waste. However, the waste is accumulated in a closed bucket at the point of generation for approximately one (1) month before being moved to the hazardous waste accumulation area (HWAA) and meets the regulatory definition of a SAA.	The facility now manages this waste stream accumulation point as a satellite accumulation area. This includes container labeling and removal of the container to <90 day storage or offsite disposal within 3 days of reaching the max capacity of the SAA container(s) (not exceeding 55 gallons of storage). The facility has prepared a plant wide satellite accumulation area management plan to ensure that all SAA regulatory requirements are followed. Annual review of the SAA plan has been included on the compliance calendar for annual review as part of the HWCP.	2/9/05	4/9/05	4/7/05	B,F

Item	Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
11	9 VAC 20-60A.262.11	A person who generates a solid waste must determine if that waste is a hazardous waste through testing or generator/process knowledge.	According to site personnel, counter bore blanks lubricated with 1,1,1-trichloroethane in the vacuum oiler bath are then finished (cut) in the Kitamura machines. Oil from the Kitamura machines is collected and disposed of as M-315 hazardous waste (D001) (Lapping Vehicle, Lapping Compound, and Varsol) which is incorrect. The waste should be disposed of as M-310 hazardous waste (F002) (1,1,1-trichloroethane).	The facility has checked all plant waste streams to ensure proper waste classifications. Documentation of waste classifications has been modified as appropriate. Staff with responsibility for container management have received training on the application of the waste classifications to container labeling and disposal.	2/9/05	4/9/05	4/7/05	B,F
12	9 VAC 20-60A.262.34	Facilities accumulating hazardous waste in a Satellite Accumulation Area (SAA) must manage and store the waste in accordance with SAA rules in Part 262.	Hazardous waste Lapping Vehicle and Lapping Compound generated in the Lapmaster machines is not currently managed as SAA waste. However, waste accumulation in this manner meets the regulatory definition of an SAA and should be managed as SAA waste. It should also be noted that the buckets in which the waste is accumulated are open-top and were not closed (hazardous waste containers are required to be closed except when adding or removing waste).	The facility now manages this waste stream accumulation point as a satellite accumulation area. The facility has prepared a plant wide satellite accumulation area management plan to ensure that all SAA regulatory requirements are followed. This plan includes securing lids on open-top containers when not adding or removing waste material. Staff with SAA responsibilities have been trained on the developed SAA management plan. Training and review of the SAA plan has been included on the compliance calendar for annual review as part of the HWCP.	2/9/05	4/9/05	4/7/05	B,F

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Item	Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
13	9 VAC 20-60A.262.11	A person who generates a solid waste must determine if that waste is a hazardous waste through testing or generator/process knowledge.	According to site personnel, no waste profile or characterization exists for the hazardous waste stream generated from puncturing aerosol cans (can drainage or drippage following puncture). Can puncturing has occurred since May 1, 2004 but has recently been discontinued. However according to facility personnel, operations may reconvene in the future.	The facility has reviewed the applicable regulations for disposal of empty aerosol cans and has ceased the can puncturing process. Waste classification determination and documentation has been completed based upon the discontinuation of this process.	2/9/05	4/9/05	4/7/05	B,F
14	9 VAC 20-60-273(B)(3)(b) and (B)(3)(c)(2)	A Universal Waste Handler of fluorescent lamps that breaks, crushes, handles, or stores lamps must develop and implement written procedures specifying how the facility intends to do so safely.	The facility does not have written procedures specifying how the facility intends to handle and store lamps safely.	The facility has prepared a lamp management procedure that addresses safe handling, storage, transportation, and disposal of lamps. Personnel responsible for lamp management has been trained on the developed procedure.	2/10/05	4/10/05	3/11/05	B,F
15	40 C.F.R. § 112 (b)	Facilities that store, process, or use oil and oil products and might be reasonably expected to discharge oil in quantities that may be harmful to navigable waters of the United States are subject to the regulation. Facilities having an oil capacity of 1,320 gallons or more in containers of 55 gallons or larger are required to prepare a SPCC Plan.	The Facility does not currently have an SPCC Plan. The Facility estimated the oil storage capacity as 1960 gallons in 2004. The Facility is required to have an SPCC Plan because the oil storage capacity is greater than 1320 gallons.	The facility has prepared an SPCC Plan, and the plan has been certified by a professional engineer. Plant staff has received training in implementation of the SPCC, including such things as inspections and recordkeeping.	2/8/05	4/8/05	4/7/05	A,F

Item	Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
16	40 C.F.R. § 122.26, 9 VAC 25-180, and Storm Water Pollution Prevention Plan (SWPPP) dated Oct. 2004	The SWPPP indicates that spill prevention containment is provided for the 54 gallon lubricating oil carryover drum (Pennex N47). It should be noted that the storm water permit is issued to DuPont and the SWPPP was prepared by DuPont. INVISTA's operations are addressed in the permit and SWPPP.	The secondary containment dike only has a storage capacity of 39 gallons. Containment capacity is insufficient.	The facility has increased the capacity of the containment around the existing 54-gallon container sufficient to capture the entire contents, plus sufficient capacity for storm water.	2/9/05	4/9/05	3/23/05	A,F
17	40 C.F.R. § 122.26 and Storm Water Pollution Prevention Plan (SWPPP) dated Oct. 2004	The SWPPP is required to identify potential storm water contamination sources.	The roll-off dumpster labeled "Vespel" shavings on the west side of the site is missing the drain plug and an oil sheen was observed in water draining below the drain hole.	The facility replaced the missing drain plug and permanently removed the dumpster from the site since Vespel shavings are no longer generated. The dumpster inspection procedures have been updated to address the requirement to have the drain plug inserted into the dumpster. Staff responsible for the inspections have received training on the revised procedure.	2/9/05	4/9/05	3/18/05	B,F
18	40 C.F.R. § 122.26 and Storm Water Pollution Prevention Plan (SWPPP) dated Oct. 2004	The SWPPP is required to identify potential storm water contamination sources.	The west dock solid waste dumpster was not covered and shop towels were observed in the dumpster. The SWPPP indicates that the west dumpster will be covered and will not be used to contain trash that contains oil. The shop towels can contain oil residue.	The facility has emptied the dumpster and taken it out of active service. The dumpster has been replaced with a unit having a lid. The dumpster inspection procedure has been updated to address the requirement to keep the cover closed when waste is not being added or removed. Staff responsible for the inspections have received training on the revised procedure.	2/9/05	4/9/05	3/18/05	B,F

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Item	Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
19	40 C.F.R. § 122.26 and Storm Water Pollution Prevention Plan (SWPPP) dated Oct. 2004	Section 4.2 of the SWPPP indicates that refuse dumpsters will be well maintained.	One of the trash dumpsters at Dock 1 has what appears to be a forklift puncture and would likely leak when waste is transferred.	The facility has repaired the forklift puncture. The dumpster inspection procedure was modified to include additional detail regarding acceptable physical conditions. Staff responsible for the inspections have received training on the revised procedure.	2/9/05	4/9/05	3/18/05	C
20	40 C.F.R. § 122.26 and Storm Water Pollution Prevention Plan (SWPPP) dated Oct. 2004	The SWPPP is required to identify potential storm water contamination sources.	The Hazardous Waste Accumulation area at the west side of the site is not identified as a potential storm water contamination source.	The facility has notified DuPont (the permittee) that the hazardous waste accumulation area at the west side of the site should be added to the INVISTA operations section of the DuPont SWPPP as a potential contamination source. The facility has confirmed that there are no additional permit or regulatory requirements that apply.	2/9/05	4/9/05	3/31/05	E
21	Storm Water Pollution Prevention Plan (SWPPP) Section 5.5	The SWPPP prepared by DuPont indicates that weekly inspections will be conducted by INVISTA as outlined in the Plan.	Weekly inspection records dating back to the start of 2004 were reviewed. Records of the weekly inspections were not available to document inspections for one week in May and one week in August.	The facility included weekly SWPPP inspections to the compliance calendar beginning in October, 2004. Refresher training on weekly inspection requirements has been provided to appropriate personnel.	2/8/05	4/8/05	3/18/05	C
22	40 C.F.R. § 122.26 (a)(6)(I) and 25 VAC 31-120.A.4	All storm water discharges associated with industrial activity that discharge through a storm water discharge system that is not a municipal separate storm sewer must be covered by an individual permit, or a permit issued to the operator of the portion of the system that discharges to waters of the United States, with each discharger to the non-municipal conveyance a co-permittee to that permit.	The facility discharges storm water associated with industrial activity under a permit issued to DuPont. DuPont's SWPPP specifically includes INVISTA's activities but the permit does not identify INVISTA as a co-permittee. It should be noted that in conversations with VADEQ personnel the current arrangement with DuPont is acceptable.	The facility asked the VADEQ to determine which discharger status applied to the facility. By letter dated 3/28/2005, VADEQ confirmed that the current DuPont VPDES permit covers INVISTA operations and no additional permitting action is required.	2/9/05	4/9/05	3/30/05	E

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Item	Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60 Day Deadline	Date Corrected	Frequency/ Duration
23	Section III of the Henry County Public Service Authority Pretreatment Regulations	The regulation requires that all industrial users must submit an Industrial Sewer Connection Application.	The facility has not submitted an Industrial Sewer Connection Application but according to personnel the facility discharges wastewater via DuPont's permit. A copy of DuPont's wastewater permit with the Henry County Public Service Authority was not available to verify that the permit covered INVISTA's activities.	The facility requested a copy of the DuPont permit to verify that INVISTA's operations are included in the permit. The facility was provided a letter dated 8/2/1999 from the Henry County Public Service Authority indicating that the remaining DuPont operations on site were no longer considered significant and no industrial user permit was required. The facility reviewed the county pretreatment ordinance and also determined that no permit is required.	2/9/05	4/9/05	4/8/05	E

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
Exceptions								
1	NPDES Permit DE0000035	Each storm water and process water discharge point/outfall must be addressed in the facility's NPDES permit.	The facility is in the process of replacing the traveling screen at the surface water intake. The intake is one of the points addressed in the NPDES permit. At the time of the auditor's Site visit, backwash water from the screen was observed to be discharging to the ground due to incomplete piping modifications.	1. Corrected design to return backflush water to river. 2. Sent notice to DNREC as required in monthly DMR.	10/20/04	12/19/04	1. 10/28/04 2. 12/2/04	C
2	NPDES Permit DE0000035	The facility's NPDES permit (Special Condition 12) requires the preparation of a Storm Water Best Management Practice Plan. The Plan is to include measures to minimize or eliminate the potential to contaminate storm water runoff from areas of industrial activity.	At the time of the Site visit, two small piles of what appeared to be soil were observed on the ground in the area near the coal pile. In addition, there was evidence of a soda ash spill near the power building storage area. Both the soil piles and the stained pavement have a potential for contaminating storm water runoff. Each discharge point where storm water is discharged from the Site is monitored routinely, and the drainage system is designed such that water from any discharge point may be diverted to a detention pond. Housekeeping measures (Section 3.2.7.3 of the Storm Water BMP Plan), requires maintaining the grounds in a manner such that spills are promptly cleaned up and outside storage is minimized, can reduce the potential having to divert and treat non-process water discharges.	1. Removed and managed soil piles in accordance with Site Excavated Material Management Plan SF-EN-400. 2. Reviewed and revised Power Area truck unloading procedure to comply with Storm Water Best Management Plan SF-EN-310. 3. Trained Powerhouse operators on upgraded unloading procedures to assure compliance.	10/20/04	12/19/04	1. 12/13/04 2. 12/2/04 3. 12/12/04	B,F

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
3	Title V Permit Condition 3-Table1(e)(1)(v)(A) and (vii)(B)	Records must be kept to establish a basis to demonstrate compliance with the 67 lb/hr nylon charge rate for the Lindberg Reclamation "burn furnace".	Based on a spot check of burn furnace operating records the amount of nylon charged is not always estimated and recorded.	1. Plant reviewed and updated spreadsheet to estimate nylon charge rate. 2. Retrained operators on need to document nylon charge rate.	10/21/04	12/20/04	1. 11/19/04 2. 12/6/04	B,F
4	DE Air Reg. 30	All insignificant activities must be listed on form AQM-1001CC in the facility's Title V permit application.	Certain insignificant activities are not listed in the facility's Title V permit application (e.g., water treatment units, non-contact water cooling towers).	The facility identified insignificant activities that were not included in the application. The Title V Permit modification was submitted.[1]	10/20/04	12/19/04	12/17/04	D,F
5	DNREC § 273.18	The facility has made the determination that spent fluorescent lamps are universal waste and must be managed and disposed of pursuant to universal waste regulations.	Twelve spent fluorescent lamps were documented in a solid waste receptacle in the Floor 4 Pelletizer Shop.	1. Removed lamps and placed in Universal Storage area per site procedures. 2. Retrained area personnel on Universal waste requirements.	10/19/04	12/18/04	1. 10/20/04 2. 12/14/04	C
6	40 C.F.R. § § 112.7(e) and 112.8 (b)1.	Facilities with SPCC Plans that drain rainwater from secondary containment dikes must document inspections of the rainwater for contamination prior to discharge.	Personnel indicated that records are not maintained for draining rainwater from the secondary containment dike for the fuel oil storage tanks.	1. Updated SPCC Plan inspection form to provide documentation of visual inspections of accumulated rainwater. 2. Trained affected individuals on requirement.	10/20/04	12/19/04	10/22/04	B,F

[1] Per Delaware Air Regulation 30, sources are authorized to make the changes proposed in administrative and minor permit amendments immediately after filing the application. This applies to Finding Nos. 4, 27, 29, 33 and 34.

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
7	40 C.F.R. § § 112.7 (e) and (f)	The facility's SPCC Plan indicates that annual SPCC Plan training is provided to supervisory personnel. The regulations require that records documenting the training be maintained for three years.	Personnel indicated that the annual training is provided to employees but records documenting the training were not available.	1. Added memo to file regarding historical training records. 2. Updated site PRISM training compliance calendar to incorporate requirement to perform SPCC training on an annual basis.	10/20/04	12/19/04	1. 12/16/04 2. 12/13/03	B,F
8	40 C.F.R. § § 112.7 (e) and 112.8 (c)(6)	The SPCC Plan regulations require periodic inspections of oil storage areas. Records of the inspections must be maintained for three years.	The SPCC Plan indicates that monthly inspections of the transformers are performed, weekly inspection are performed of the oil storage tanks at the powerhouse, and that the finish oil and waste finish tanks are inspected daily. 1. Records were not available to document the monthly transformer inspections. 2. The inspections in the powerhouse were performed but not using the form identified in the plan. 3. The inspection records for the finish oil tanks were not available for the last three years.	1. Added memo to file regarding historical training records. 2. Updated area compliance calendars to incorporate inspection requirements. 3. Updated SPCC Plan to incorporate inspection requirement. 4. Updated records retention policy to maintain training records for 3 years.	10/21/04	12/20/04	1, 3 & 4. 12/17/04 2. 12/16/04	B,F

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
9	40 C.F.R. § 112 Appendix F Section 1.8.1	The FRP regulations require periodic inspections of oil storage areas. Records of the inspections must be maintained for five years.	The FRP indicates that monthly inspections of the No. 6 fuel oil tanks and the diesel fuel tank for the coal pile equipment will be performed using the form in the plan. The inspections are performed and documented but not documented on the form identified in the plan. The intent of detecting leaks associated with the tanks is met by the form used but it does not have the same checklist as the inspection form in the FRP.	1. The facility revised the FRP Plan to include the AST Tank inspection process which eliminated the use of the prior inspection forms. 2. The facility included FRP/SPCC specific tanks in the Aboveground Storage Tank 30 day inspection process and documented and filed associated inspection records per that process which meets FRP and SPCC plan requirements.	10/21/04	12/20/04	12/18/04	B,F
10	40 C.F.R. § 112.3(a)	Facilities must maintain their current SPCC Plan until it is revised to meet the requirements of the regulations. The past regulations required the plan to be reviewed at least once every three years.	The SPCC Plan was last updated on August 24, 2001 which is more than approximately 3 years since the review.	The facility has placed on its compliance calendar a three year review time period for updating its SPCC Plan, and will periodically check the compliance calendar to assure 3-year review.	10/19/04	12/18/04	10/21/04	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
11	40 C.F.R. § 112.20(h)	Facilities that store oil and are located such that a spill could cause substantial harm to the environment must prepare and submit a Facility Response Plan to the local EPA administrator.	The facility's FRP contains numerous technical deficiencies. Noted deficiencies include but are not limited to not addressing all oil storage tanks and usage areas, not preparing a drainage map, not including all the required information on the site plan, incorrectly calculating the worst case discharge, not addressing all the requirements for the evacuation plan, not identifying all loading and unloading areas, not adequately addressing small, medium, and worst case discharges and the equipment needed to respond to such discharges, not updating the emergency contact list, and not addressing the detection of discharges, among other technical deficiencies.	Facility Response Plan was updated to address deficiencies noted by this audit. The facility developed a new plan as an Integrated Contingency Plan to meet 40 C.F.R. §§ 112.20 to 112.21 as well as 33 C.F.R. Part 154.	10/19/04	12/18/04	12/18/04	A,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
12	40 C.F.R. § 112.3	Facilities storing oil in regulated quantities must prepare a Spill Prevention Control and Countermeasure (SPCC) Plan meeting the requirements of the regulations.	The facility's SPCC Plan contains numerous technical deficiencies. The following items are not included in the Plan, are not adequately discussed in the Plan, or are not correct. 1. The Otis Tanks, hydraulic and lubricating oil reservoirs, and the Dowtherm system are not covered in the Plan. 2. The Plan does not specifically designate a person responsible for oil spill prevention. 3. Not all transformers drain to a dike as stated in the Plan. 5. The Plan does not discuss secondary containment for drums. 6. The Plan does not discuss secondary containment capacity for the finish oil tanks. 7. The Plan does not discuss gasoline and fire water pump fuel tank and drum inspections. 8. The Plan does not discuss overfill prevention for the finish oil tanks. 9. The Plan does not discuss sufficiently impervious containment. 10. The Plan does not discuss cathodic protection of underground lines. 11. The Plan does not discuss marking of out of service piping. 12. The Plan does not discuss the underground line at the burn furnace. 13. The Plan does not discuss containment capac loading and unloading areas.	Within 60 days of this finding, the facility updated the SPCC plan to meet the new Federal SPCC standards (July 2002 amendments), which included addressing deficiencies noted by this audit. In addition, the facility sought and received regulatory guidance on its inclusion of Dowtherm in the SPCC Plan. The facility is also addressing secondary containment requirements for the newly included Dowtherm areas in accordance with its implementation plan and extension request dated 4/8/05.	10/19/04	Extended to 10/20/06	The SPCC Plan was completed on 12/17/04. Completion of secondary containment is ongoing. See Tab 18.A	A,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
13	SPCC Plan	The current SPCC Plan indicates that tanks are non-destructively tested annually and that underground piping is periodically pressure tested.	No records were found documenting the non-destructive tank tests or the periodic pressure testing of underground piping.	1. The facility added a memo to the file regarding historical testing records. 2. SPCC specific tanks were included in Site's Aboveground Storage Tank inspection process and associated inspection records were documented and filed per that process, which meets SPCC plan requirements. 3. The facility updated AST recordkeeping system to assure inspection records are being kept for a three years.	10/21/04	12/20/04	12/16/04	B,F

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
14	40 C.F.R. § 355.30	Any facility at which there is present an amount of an Extremely Hazardous Substance (EHS) equal to or in excess of the Threshold Planning Quantity (TPQ) must notify the State Emergency Response Commission (SERC) that the EHS is at the facility and must designate an emergency coordinator.	Sulfuric acid is an EHS. The 2003 Tier II reports that a maximum of 27,000 lbs and an average of 13,500 lbs of Sulfuric acid was stored at the Facility in 2003 at the "Power Area". Facility personnel indicated that the tank has been removed and was believed to contain a small quantity of sulfuric acid in 2003. In addition to the sulfuric acid stored at the Power area, sulfuric acid is contained in the forklift and "walkie" batteries. Sulfuric acid contained in batteries should be reported under EPCRA/CERCLA as other chemicals are reported. Facility personnel indicated that there are approximately (8) 12 Volt batteries and (60) 24 Volt batteries. Typically, the 24 Volt batteries contain at least 100 lbs of sulfuric acid per battery. Based on calculations at other Facilities, the quantity of sulfuric acid in batteries is greater than the TPQ.	The facility notified SERC upon confirming that sulfuric acid notification was not submitted in late 1980s.	10/20/04	12/19/04	12/10/04	D,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
15	40 C.F.R. § 372	A facility that manufactures, processes, or otherwise uses a listed chemical in quantities above the applicable threshold is required to submit an annual Form R or Form A report to document releases to the environment. PCBs are a Persistent Bioaccumlative Toxin (PBT). The reporting threshold is 10 lbs for manufacture, process, or otherwise used. The de minimus exemption does not apply to PBTs, meaning that threshold determinations are required regardless of the chemical concentration.	The facility burned 4.45 Million gallons of No. 6 fuel oil in 2003. EPA Guidance documents indicate that PCB is a common contaminant in No. 6 fuel oil and recommends assuming a concentration of 50 ppm PCBs in the No. 6 fuel oil if no analytical data is available. Assuming a PCB concentration of 50 ppm, results in an otherwise quantity of 1800 lbs which is greater than the 10 lb threshold. The SAIC report does not appear to address this issue. The Facility relied on an MSDS that did not indicate that PCBs were present in No. 6 fuel oil.	Upon learning additional facts related to the content of the No. 6 fuel oil, the auditor withdrew this finding.	10/21/04	N/A	N/A	E

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
16	40 C.F.R. § 370	Facility is required to submit a Tier II report in accordance with 40 C.F.R § 370 and Delaware EPCRA reporting program "Hazardous Chemical Inventory Electronic Reporting Instructions".	The following minor data quality issues were observed on the paper copy of the electronic 2003 Tier II report: 1) number of employees is not listed. 2) the date signed is reported as 1/10/2003 (should be 2004) 3) the maximum amount of gasoline on-site is reported as 16,000 lbs. (since there is only one 1,000 gallon tank the maximum quantity on site cannot exceed 7,000 lbs. 4) There are two storage locations of Fuel Oil No. 2 indicated in the Tier II report; there are 5 locations of Fuel Oil No. 2/diesel indicated on the SPCC Plan. Storage at the river water pump, the west fire water pump, and Lindbergh burn furnace are not listed. 5) The storage location for the sulfuric acid contained in forklift and walkie batteries is not listed. 6) Chemicals that were observed at the Site or reported on other environmental Plans in excess of the reporting threshold that were not listed on the Tier II report include: used oil, turbine lubricating oil, and transformer oil.	These issues were identified to SAIC and corrected as part of the 2003 Tier II report update submitted by the facility.	10/1/04	11/30/04	11/29/04	D,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
17	40 C.F.R. § 370	**Previously identified by SAIC** Facility is required to submit a Tier II report in accordance with 40 C.F.R § 370 and Delaware EPCRA reporting program "Hazardous Chemical Inventory Electronic Reporting Instructions".	Four chemicals that were not reported in the 2003 Tier II report were also listed in the SAIC draft report: coal ash, Nylon 6,6 flake, HCFC-22 and HCFC-123.	The facility corrected this finding as part of its Tier II report update submitted by the facility.	10/1/2004 (Date of SAIC finding is 9/30/04)	11/29/04	11/29/04	D,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
18	SPCC Plan	The current SPCC Plan specifies the tank sizes and secondary containment capacities.	The following items were noted regarding tank capacities and secondary containment capacities. 1. The Plan indicates that the secondary containment capacity for the vaporizer fuel oil storage tank was 262 bbls while the backup calculations indicate that the containment capacity is 277 bbls. 2. The Plan indicates that the secondary containment capacity for the fuel oil work tanks was 9,100 bbls while the backup calculations indicate that the containment capacity is 7,308 bbls. 3.The Plan states that the Burn Furnace fuel oil storage tank is 550 gallons when the actual capacity is 4,000 gallons. The Plan states that the secondary containment capacity for the tank is also 550 gallons. The containment volume is 4,091 gallons. 4. The Plan also indicates that the secondary containment capacity of the gasoline storage tank is 27 bbls while the back up calculations indicate that the capacity is 22.7 bbls. 5. The containment volume for fuel oil tanks 1 and 2 listed in the Plan is 22,350 bbls. The back up information indicates that tank 2 after increasing the berm by one foot is 22,251 bbls. T containment capacity for tank one could not be verified.	Secondary containment capacities listed in SPCC plan were checked and updated as part of the SPCC plan update.	10/25/04	12/24/04	12/17/04	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
19	40 C.F.R. § 112.7(e) and §112.8 (b)1.	Inspections of rainwater drained from secondary containment dikes must be documented.	Personnel indicated that the inspection of the precipitation that collects in the containment area for the transformers at the river fire water pumphouse prior to draining is not documented.	The facility updated the inspection form.	10/28/04	12/27/04	11/8/04	B,F
20	DE Air Reg. 2 Section 2.1; DE Air Reg. 30	Certain equipment, facilities and activities that emit air contaminants must obtain a permit.	**PREVIOUSLY IDENTIFIED DURING TITLE V AUDIT AND REPORTED TO EPA** 23 Vacuum conveyance systems currently in operation at the facility are not identified in the Title V permit. However, a Minor Permit Modification dated September 7th, 2004 has been submitted to the DNREC.	The facility filed a Title V permit amendment application on September 7, 2004. DNREC issued the Title V permit with conditions relating to the PM emission calculation method that the facility is continuing to discuss with DNREC. To resolve this issue, INVISTA submitted an extension request to allow the facility to submit a permit amendment request to modify slightly the hourly PM emission limit. By letter dated 1/26/05 INVISTA requested until 5/31/06 to complete this action.	7/8/04	9/7/04	9/7/2004 (Title V app. submitted) Pending (New Title V amendment app.) See Tab 18.A	D,F

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
21	40 C.F.R. § 82.166 (k) and (m) and Title V air emission operating permit condition 2q.	Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added. The owner/operator must keep records of refrigerant purchased and added to such appliances. Records must be kept for a minimum of three years.	The facility did not have a complete list of appliances that contain greater than 50lbs. Records indicate that 1400 lbs of HCFC-22 (Freon 22) and 60 lbs of CFC (Freon 12) were purchased in 2003 and 1800 lbs of CFC in 2001. The facility does not have adequate records to document the quantity, date, and unit (appliance) that CFCs and HCFCs purchased over the past three years have been added. There was a gap from 3/29/04-10/1/04 in which no records were available.	1. The facility developed and implemented a refrigerant management program to address specific findings. 2. The facility supplemented its July 31, 2004 Title V Deviation Report.	10/26/04	12/25/04	1. 12/17/04 2. 12/16/04	B,F
21.1	40 C.F.R. § 82.162(a) and Title V air emission operating permit condition 2q.	Persons maintaining, servicing or repairing covered appliances must certify to EPA that they have acquired certified recovery or recycling equipment and are complying with the applicable requirements of Subpart F.	The facility does not have records of certification to EPA of certain refrigerant recovery units.	1. The facility submitted the required certification to EPA for the two units manufactured after 1993 that are in use at the site. For the two other units, the facility took the units out of service and does not plan to use these units until they are evaluated and certified as meeting regulatory requirements. 2. The facility supplemented its July 31, 2004 Deviation Report.	12/10/04	2/8/05	1. 2/7/05 2. 2/1/05	D,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
21.2	40 C.F.R. § 82.162(b)	In the event of a change of ownership of an entity that maintains, services or repairs covered appliances, the new owner of the entity shall certify within 30 days of the change of ownership.	The facility does not have records of providing the 30-day certification to EPA subsequent to the change of ownership on April 30, 2004 regarding certain refrigerant recovery units.	The facility submitted the required certification with change of ownership information to EPA.	12/10/04	2/8/05	2/7/05	C
22	40 C.F.R. § 82.156 (i) (2) and Title V air emission operating permit condition 2q.	The owners or operators of industrial process refrigeration equipment normally containing more than 50 lbs of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of 35% of the total charge during a 12-month period.	The facility is not tracking leak rates to demonstrate compliance with the requirement. One Trane screw chiller was charged with 125 lbs of HCFC 22 on 8/02/02. The unit appeared to have been filled on 6/17/02. The apparent leak rate was approximately 114% which exceeds the allowable rate of 35%. There was insufficient data to determine if the leak was repaired within 30 days. There was insufficient data to determine if any units have been leaking at rates exceeding 35% since 4/30/2004.	1. The facility developed and implemented a refrigerant management program to address specific findings. 2. The facility supplemented its July 31, 2004 Title V Deviation Report.	10/26/04	12/25/04	1. 12/17/04 2. 12/16/04	B,F

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TAB 9.A

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
23 (same incident as 40)	Title V Operating Permit Condition 3 Table 1 o 1 ii C (Page 59) and DE Air Reg. No. 24, Section 8 (C)	Cloth or paper impregnated with VOCs shall be stored and disposed of in closed containers. The closed containers shall be closed at all times except when adding or removing material.	Paper towels used in conjunction with aerosol chemicals that contain VOCs were observed in an open waste drum on the third floor of the powerhouse.	1. VOC contaminated paper towel was removed from waste container and managed per DNREC regulations. 2. The facility supplemented its current VOC compliance training to include Power Area specific training for appropriate material use and waste handling practices. 3. The facility conducted training of Power personnel regarding appropriate VOC material use and waste handling practices.	10/25/04	12/24/04	1. 10/23/04 (item 40 was discovered on 10/22) 2. 12/1/04 3. 12/1/04	B,F
24	Title V Permit Condition 3-Table 1 (a)(2)(ii)(B) & (C) and (iii)(D)	For Emission Units 001, 002, and 003 (three 231 MMBTU/hr Combustion Engineering Boilers) 12-month rolling period quantities of coal and No. 6 fuel oil used in each of the three coal-fired boilers must be monitored and recorded.	Monthly coal and fuel oil usage for each of the three boilers is monitored and recorded, however the 12-month rolling period quantities are not calculated.	1. The facility updated its spreadsheet to calculate 12-month rolling average. 2. The facility supplemented its July 31, 2004 Title V Deviation Report.	10/25/04	12/24/04	1. 11/16/04 2. 12/16/04	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
25	Title V Permit Condition 3-Table 1 (a)(2)(iv)(A)	For Emission Units 001, 002, and 003 (three 231 MMBTU/hr Combustion Engineering Boilers) supplier-provided testing data for "equivalent SO2 content" must be reported as "lb/MMBTU".	Equivalent SO2 content data was reported as "LBS SO2" on two coal analysis documents from G and C Coal Analysis Lab, Inc. with "reported" dates of 09/17/04 and 10/14/04.	The facility updated its spreadsheet to report "equivalent SO2 content" in units of "lb/MMBTU."	10/25/04	12/24/04	12/1/04	C
26	Title V Permit Condition 3-Table 1 (a)(2)(v)(B)	For Emission Units 001, 002, and 003 (three 231 MMBTU/hr Combustion Engineering Boilers) certain fuel supplier certifications records must be obtained and kept.	The following information was not contained in the certifications reviewed: 1. A statement that the No. 6 fuel oil complies with ASTM Specifications for No. 6 fuel oil (Saybolt lab analysis report dated 08-Oct-04). 2. The method used to determine the sulfur content of the coal (two coal analysis documents from G and C Coal Analysis Lab, Inc. with "reported" dates of 09/17/04 and 10/14/04). 3. The higher heating value of the No. 6 fuel oil (Saybolt lab analysis report dated 08-Oct-04). 4. The name of the No. 6 fuel oil supplier (Saybolt lab analysis report dated 08-Oct-04).	Standards for fuel certification records were updated and appropriate personnel trained in records compliance requirements.	10/25/04	12/24/04	12/2/04	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
27	Title V Permit Condition 3- Table 1 (h)(1)(i)(A), (iii)(H) & (vii)(A)	For Emission Unit 025 (Nylon 6,6 Fiber Spinning Operations) the facility must determine compliance with VOC emission limitations based on recordkeeping and calculations.	**#2 BELOW WAS PREVIOUSLY IDENTIFIED DURING THE TITLE V AUDIT AND REPORTED TO EPA** 1. Pound per hour and rolling 12-month period VOC emission quantities from all operations (in aggregate for all operations included under this emission unit designation) are not calculated. 2. The AP-42 emission factor specifically referenced in the Title V permit is not used to calculate VOC emissions. However, the facility submitted a letter dated October 20, 2004 to DNREC requesting an amendment to the Title V permit allowing the use of stack test data to calculate VOC emissions. 3. Rolling 12-month Fiber Lubricant Aerosol and Fluoropolymer Aerosol emissions are not calculated. 4. Records related to Fluoropolymer Aerosol emissions are not kept, however fluoropolymer finish is not used as part of routine operations.	1. Pound per hour and rolling 12-month period VOC emission quantities are now calculated. 2. The AP-42 emission factors are now used in the VOC emission calculations as well as the stack test data. 3. Calculations for 12 month Fiber Lubricant Aerosol and Fluoroploymer aerosol emissions are now calculated. 4. A note to file regarding the non-use of Fluoropolymer Aerosol emissions is now on file. 5. The facility supplemented its July 31 Title V Deviation Report for Items 1 & 3.	10/26/2004 (#2 7/9/04)	12/25/2004 (#2 9/7/04)	1. 12/3/04 2. 10/21/04 3. 11/17/04 4. 12/6/04 5. 12/16/04	B,F
28	Title V Permit Condition 3- Table 1 (h)(1)(iii)(C)(4)	For Emission Unit 025 (Nylon 6,6 Fiber Spinning Operations) the facility must monitor certain information for compliance demonstration purposes.	The total 12-month rolling quantity (i.e., the summation of 12 consecutive months of production data) of Nylon fiber processed through the Staple Ovens, Hot Plates and Draw machine #7 are not calculated. However, 12-month rolling average quantities are calculated.	1. The total 12-month rolling quanties of Nylon fiber processed through the Staple Ovens, Hot Plates and Draw machine # 7 are now calculated and available. 2. The facility supplemented its July 31, 2004 Title V Deviation Report.	10/26/04	12/25/04	1. 11/3/04 2. 12/16/04	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
29	Title V Operating Permit Condition 3 Table 1 (n)(1)(ii)(C). (Page 57)	The Operating Permit requires storing only gasoline with a true vapor pressure less than 0.5 psia at 70 Degrees F.	**PREVIOUSLY IDENTIFIED DURING THE TITLE V AUDIT AND REPORTED TO EPA.** The facility is using gasoline with a vapor pressure greater than 0.5 psia at 70 Degrees F. The facility is aware of the issue and submitted a request for a permit modification on 10/21/04. The vapor pressure limit listed in the permit is not technically feasible for gasoline and is assumed to be a typographical error on behalf of the regulatory agency.	The facility submitted Title V permit modification applications on 10/21/04. On 12/17/04, the facility received the issued administrative permit amendment from DNREC, the language of which needed to be clarified. The facility further discussed with DNREC to confirm the permit language. In response, DNREC issued a revised administrative amendment on 5/25/05.	10/27/04 (7/8/04)	9/6/04	10/21/2004 (App. to amend submitted)	D,F
30	Title V Permit Condition 3- Table 1 (c)(2)(iii)	Daily visible emissions of the coal handling operation are required to be monitored.	The facility has not determined which emission points are subject to this requirement. At least one point (conveyor drop onto coal pile) is a point for which opacity readings are required. No monitoring is being performed or recorded. Annual Method 9 is also required.	1. The facility updated its coal system daily checks form to include conveyor drop emission point for opacity monitoring. Trained appropriate personnel on new requirement. 2. The facility reviewed NSPS for coal handling to ensure compliance. 3. The facility supplemented its July 31, 2004 Title V Deviation Report.	10/28/04	12/27/04	1. 12/17/04 2. 12/14/04 3. 12/16/04	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
31	Title V Permit Condition 3-Table 1 (i)(1)(vii)(A)(1) & (B)(1)	For Emission Unit 025A (Continuous Polymerization Processes) the average hourly emissions referenced in Title V Permit Condition 3-Table 1 (i)(1)(i)(A) and (B) "shall be calculated each day," as specified in the permit.	The underlying operating data is tracked and recorded, and daily and monthly emissions are calculated; however, average hourly emissions (i.e., pound per hour) are not calculated.	1. The facility added lbs/hour calculation to daily report. 2. The facility supplemented its July 31, 2004 Title V Deviation Report.	10/27/04	12/26/04	1. 11/8/04 2. 12/16/04	B,F
32	Title V Permit Condition 3-Table 1 (j)(1)(vii)	For Emission Unit 025B (Batch Polymerization Processes) the average hourly emissions referenced in Title V Permit Condition 3-Table 1 (j)(1)(i)(A) and (B) "shall be calculated each day", as specified in the permit.	The underlying operating data is tracked and recorded, and daily and monthly emissions are calculated; however, average hourly emissions (i.e., pound per hour) are not calculated.	1. The facility added lbs/hour calculation to daily report. 2. The facility supplemented its July 31, 2004 Title V Deviation Report.	10/27/04	12/26/04	1. 11/8/04 2. 12/16/04	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
33	Title V Permit Condition 3-Table 1 (j)(2)(ii)(B)	For the Flake Conveyors that are part of Emission Unit 025B (Batch Polymerization Processes), the associated baghouses "shall be operated within a range of 2 to 4 inches of water column."	**PREVIOUSLY IDENTIFIED DURING THE TITLE V AUDIT AND REPORTED TO EPA** Silo 2 baghouse differential pressure gauge data for 10/21/04 through 10/28/04 indicates periods of operation at less than 2 inches of water column. In a letter to DNREC dated October 20, 2004, the facility requested a Title V permit amendment requesting that the lower differential pressure operating value (for both FD1/Silo2 and Silo1 baghouses) be changed to 0.2 inches of water column to reflect operating conditions for new/clean baghouse media.	The facility submitted an administrative permit amendment request on 10/21/04. DNREC requested a minor permit amendment application on 11/3/04, which the facility submitted on 12/17/04.	10/28/04 (7/8/04 AAQS finding date)	9/6/04	10/21/04 (Admin. amdmt.) 12/17/04 (Minor amdmt.)	B,F
34	DE Air Reg. 30 Section 5(b)	Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.	**PREVIOUSLY IDENTIFIED DURING THE TITLE V AUDIT AND REPORTED TO EPA** Spinning Machine F, which is part of Emission Unit 025 (Nylon Spinning Operations), has been redesignated as Spinning Machine 37 and now exhausts to its own separate stack. The facility has obtained a "Reg 2" registration for this change, however a Title V permit amendment has not yet been submitted to DNREC.	The facility submitted a Title V Permit amendment to DNREC to add reference to SM 37, consistent with registration filed in 2003.	9/30/04	11/29/04	11/29/04	D,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
35	DE Air Reg. 2 Section 2.1	Except as exempted in Section 2.2, no person shall install any equipment which will emit an air contaminant prior to receiving approval of an application from DNREC.	Spinning Machine C, which is installed in the tech lab, has not been issued a permit or registration from DNREC and the facility was unable to provide documentation to prove that this equipment is exempted under Section 2.2(a) (i.e., that its actual emissions would be less than 0.2 pounds per day). However, the facility did not operate the spinning machine and it was locked out to prevent its use.	Calculations have now been documented and are on file which exempt Spinning Machine C under Section 2.2(a)(i.e. that its actual emission is less than 0.2 lbs per day.)	10/28/04	12/27/04	10/29/04	E
36	40 C.F.R. § 370	The facility is required to submit a Tier II report in accordance with 40 C.F.R § 370 and Delaware EPCRA reporting program "Hazardous Chemical Inventory Electronic Reporting Instructions."	The 2003 Tier II report listed two potassium hydroxide tanks. There was only one tank at the facility during calendar year 2003.	The facility corrected this finding as part of its Tier II Report correction submitted on 12/6/04.	10/28/04	12/27/04	12/6/04	B,F
37	DNREC § 279.22	Used oil containers must be labeled or marked clearly with the words "Used Oil."	One mislabeled drum was documented in the Power House (Floor 1). The drum was labeled as both "other hazardous waste (R-123)" and used oil/refrigerant machine.	1. The facility relabled drum to meet specific requirements. 2. The facility trained refrigeration technicians to assure compliance with SF-EN-500 Solid and Hazardous Waste.	10/21/04	12/20/04	1. 10/26/04 2. 11/30/04	C

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
38	DNREC § 273.18	The facility has made the determination that spent fluorescent lamps are universal waste and must be managed and disposed of pursuant to universal waste regulations.	One spent fluorescent lamp was documented in a solid waste receptacle on Floor 3 of the Power House.	The facility trained appropriate site personnel on the proper handling and disposal of lighting and electronic tubes.	10/21/04	12/20/04	12/8/04	C
39	DNREC § 262.20	Facilities that generate hazardous waste must manage, store, and dispose of the waste in accordance with Part 262. Per 262.20, a generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a manifest.	One spent aerosol can was documented in a solid waste receptacle on Floor 3 of the Power House. The facility manages and disposes of spent aerosol cans as hazardous waste in accordance with DNREC regulations.	1. The facility removed and dispose of the aerosol can per DNREC requirements. 2. The facility trained appropriate site personnel on proper use and disposal of aerosol cans.	10/21/04	12/20/04	1. 10/22/04 2. 12/9/04	C

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
40	DRGHW § 260.10	Facilities generating hazardous waste (HW) must manage and dispose of hazardous waste in accordance with DNREC regulations.	Paper towels used with an aerosol containing listed hazardous waste (TCE) were observed in a solid waste receptacle on Floor 3 of the Power House. Disposition of hazardous waste with solid waste constitutes disposal of hazardous waste.	1. VOC contaminated paper towel was removed from waste container and managed per DNREC regulations. 2. The facility supplemented current VOC compliance training to include Power Area specific training for appropriate material use and waste handling practices. 3. The facility conducted training of Power personnel regarding appropriate VOC material use and waste handling practices.	10/22/04	12/21/04	1. 10/23/04 2. 12/1/04 3. 12/1/04	B,F
41	DRGHW § 265.52(c)	Regulations stipulate that the Hazardous Waste Contingency Plan (HWCP) must describe the arrangements agreed to by local authorities.	Neither the HWCP or Disaster Procedure provides a description of the arrangements agreed to by local authorities.	The facility documented arrangements with responders. The facility submitted letter to local responders documenting their discussions.	10/27/04	12/26/04	12/10/04	D,F
42	DRGHW § 265.52(d)	Regulations stipulate that the Hazardous Waste Contingency Plan (HWCP) must provide the addresses of all persons qualified to act as Emergency Coordinator (EC).	Neither the HWCP or Disaster Procedure provides the addresses of persons qualified to act as EC.	The facility added emergency coordinator addresses to contingency plan and changed the emergency coordinator.	10/27/04	12/26/04	12/10/04	D,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
43	DRGHW § 262.34(c)(1)	Facilities generating hazardous waste in a Satellite Accumulation Area (SAA) must place the waste in an approved container labeled with either the name of the waste or the words "hazardous waste."	Approximately twelve (12) spent aerosol cans were documented in a cardboard box in the Floor 3 BCF Drive Shop.	1. The facility transferred spent aerosol cans into drum and labeled the drum. 2. The facility retrained employee on proper container and labeling requirements.	10/27/04	12/26/04	1. 10/27/04 2. 11/16/04	B,F
44	DRGHW § 262.41(a)(6)	The facility must submit an Annual Report that includes a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.	The Annual Report does not provide a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated. It should be noted that although this requirement is stipulated in the regulations, DNREC instructions for completion of the Annual Report do not include a request for this information.	The facility submitted Waste Minimization Plan to DNREC.	10/27/04	12/26/04	12/10/04	D,F
45	40 C.F.R. § 761.65	Transformers that are removed from service are required to be tested prior to disposal, and if PCBs are detected above 50 ppm, are required to be stored in a storage unit meeting requirements at 761.65 such as the PCB storage "hut."	Three (3) out-of-service pole-mount type transformers were documented on a concrete pad (former building foundation) north of the coal pile. Based on the manufacturer date of the transformers (before July 2, 1979), the transformers are assumed through regulation (§ 761.2) to contain PCB dielectric fluid. Based on this information, the transformers were improperly stored per § 761.65.	The facility relocated transformers to area of the site acceptable for PCB storage.	10/28/04	12/27/04	12/10/04	A,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
46	NPDES Permit DE0000035	The facility applied for renewal of its NPDES permit June 19, 1993. The application requested, among other things, a decrease in the frequency of biomonitoring. Until the draft permit is finalized, the Plant continues to be regulated under the provisions of the existing permit. Upon request by the Plant, the DNREC approved (in a letter to the Plant) cessation of biomonitoring until a suitable new monitoring site could be found.	It is uncertain whether the state's letter is the appropriate legal authorization allowing the facility to reduce or remove their biomonitoring requirements.	The permit renewal application has been submitted and is pending agency action. On 12/8/04 the facility sent documentation to DNREC to officially indicate change in biomonitoring requirements and requested appropriate permit modifications. Per letter dated 12/15/04, INVISTA sought an extension until DNREC issues the modified NPDES permit.	10/26/04	12/25/04	12/8/04 See Tab 18.B	D,F
47	Storm Water Best Management Practices (SWBMP)	Page 8 of the SWBMP Plan describes a single hazardous waste storage location.	There is more than one area in which hazardous wastes are stored (i.e. the warehouse and adjacent to the laboratory).	The facility updated SWBMP Plan to include references to both of the site's hazardous waste storage areas.	10/26/04	12/25/04	11/8/04	A,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
48	SWBMPP	Page 9 of the SWBMP Plan describes housekeeping inspections of the facility exterior grounds, and safety audits performed to ensure that safety procedures are being met.	The facility has an extensive audit program that provides for 4 levels of review of all areas of the plant. Review subjects range from safety to pollution prevention. Each level of the audit program focuses on a specific area of the plant during each review, and areas are reviewed on a revolving schedule. However, it is possible that a given area of industrial activity that could impact storm water runoff would not be reviewed annually under the audit program. There are also inspections performed by various personnel of their areas of responsibility, and there are routine inspections of the wastewater treatment plant, the ash ponds and landfill, and the power plant, but there is no consolidated routine inspection program specifically addressing the requirements of the SWBMP Plan for the plant as a whole.	1. The facility updated the SWBMP Plan inspection form to include documentation of housekeeping inspections. 2. The facility retrained affected employees.	10/26/04	12/25/04	1. 11/9/2004 2. 11/9/2004	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
49	NPDES Permit DE0000035	The permit requires that records be kept indicating the monthly sludge inventory, the quantity transported off site, the date shipped, the carrier used and the destination of the shipment. Special Condition 10 indicates approval of a land application permit for the sludge that is no longer accurate. No modification of the condition was requested in the 1993 permit renewal application because it had not changed at that time. The facility currently ships sludge to the DuPont DeepWater N.J. where it is landfilled on that site.	The facility maintains the appropriate records. In a letter dated June 17, 1994, the facility notified DNREC that the Plant would no longer be landfarming sludge and informed the state that when the land application permit expired, it would not be renewed. However, documentation could not be found requesting a NPDES permit modification (Special Condition 10) indicating the current method of sludge disposal.	The facility sent documentation to DNREC to confirm process of sludge disposal being utilized by the site and requested appropriate Permit modifications.	10/26/04	12/25/04	12/8/04 See Tab 18.B	D,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
50	DE Pesticide Reg. Section 16.2.1	The Delaware pesticide regulations require containers to be tripled rinsed before disposal. This includes draining the residual pesticides into a spray tank and applied in accordance with the label instructions or it can be disposed of in accordance with applicable DNREC regulations.	Personnel in the solutions area indicated that the biocide drums are drained into the waste finish tanks which are hauled off site for disposal. Personnel indicated that the drums are not tripled rinsed prior to being shipped to a recycler.	The facility added triple rinsing of biocide drums to area procedures and trained personnel to implement rinse procedure.	10/26/04	12/25/04	11/23/04	B,F
51	DE Pesticide Reg. Section 16.1.1	The Delaware pesticide regulations require pesticide containers to be disposed of in accordance with the label instructions and DNREC regulations.	The buckets of bromine containing biocide used in the chilled water system are appropriately triple rinsed. The buckets are maintained on site for use by facility personnel. The label for the pesticide indicates that the containers must be disposed of in a landfill after being punctured or recycled.	1. The facility evaluated Site procedures for proper handling of pesticide container and upgraded procedures as necessary to assure communication to employees of Site standard for compliance with Delaware Pesticide Reg. 2. The facility identified and trained affected personnel on procedures which address Delaware Pesticide Reg.	10/26/04	12/25/04	1. 12/9/04 2. 12/9/04	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
52	DE AST Reg. Part C § 1.1.2	Delaware regulations require that inventory control procedures be implemented by July 11, 2004 for the fuel storage tanks with greater than 40,000 gallon capacities. The procedures must be able to detect a 1% gain or loss of throughput or storage capacity every 30 days.	The facility has gauging records for the large fuel oil storage tanks but has not implemented an inventory reconciliation procedure.	The facility implemented an inventory reconciliation procedure for fuel oil storage tanks, and completed certain capital improvements related this finding.	10/28/04	Extended to 6/30/05	6/30/05	A,F
53	DE Reg. 21 Section 10	A written notification to DNREC is required prior to the removal of asbestos if the quantities are greater that 160 square feet, 260 linear feet or 35 cubic feet. This notification requires the listing of the waste disposal site.	All asbestos notifications for the last two years have indicated that the waste disposal site is the Northern Solid Waste facility, located at Cherry Island, 12th and Hay Rd. in Wilmington, Delaware. The shipping documents indicated that the asbestos containing materials were disposed of at the Delaware Solid Waste Authority, located at 1101 Lambson Lane in New Castle, Delaware (Delaware Recycle Center). The Delaware Recycle Center is not an approved disposal site.	1. The facility has been informed by the carrier that even though address was incorrect, asbestos-containing waste was disposed of at an approved facility. The facility is awaiting confirmatory documentation. 2. The facility updated references as necessary to assure accurate completion of shipping documents.	10/21/04	12/20/04	12/17/04	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
53.1	DE Air Reg. No. 21, Section 10 and 40 CFR 61.150(b)	Asbestos containing waste must be deposited in sites approved under the regulation.	The facility's contract hauler has advised the site that on 12/10/04 that two shipments of asbestos containing material sent on 5/18/04 did not go to the approved disposal location.	Two shipments of asbestos-containing waste were identified by the carrier as having been disposed at a third, unauthorized disposal site. The facility has received documentation from the carrier that these two shipments were in fact disposed at an approved facility.	12/10/04	2/8/05	1/28/05	E
53.2	DE Air Reg. No. 21, Section 10 and 40 C.F.R. §§ 61.150(d)(3) and (4).	When a signed waste shipment record is not received within 35 days of the shipment date, the status of the waste shipment is to be determined. If the signed waste shipment record is not received within 45 days of the shipment date, a written report is to be sent to DNREC.	The facility did not track receipt of waste shipment records in order to confirm receipt of shipment records signed by disposal facility within 35 days, and did not report such failure to DNREC as required.	1. The facility implemented procedures for asbestos-containing waste shipments/disposal in order to confirm receipt of waste shipment records. 2. The facility reported the deficiency and its inception of procedures to track receipt waste shipment records signed by the disposal facility, and to take appropriate steps if such records are not received in a timely manner.	12/16/04	2/14/05	1. 1/19/05 2. 2/4/05	B,F

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
Potential Exception								
1	40 C.F.R. § 63.2430 (Subpart FFFF National Emission Standard for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing)	The referenced standard may apply to the Dowtherm vaporizing units. The hazardous air pollutant (HAP) of concern is the biphenyl compound contained in the Dowtherm oil. Based on the emission estimates provided in the application for the Title V permit, the facility emits sufficient biphenyl compound to be categorized as a major HAP source, which would be one of the triggers for applicability of the MACT standard.	The facility does not manufacture the HAP but does use a product containing the HAP. The regulation appears to apply to manufacturers, processors, and users of the HAP (63.2435(b)(2)). However, the definition of "use" is not provided within the standard. The definition of "use" in Part 63.2 would also indicate applicability, however, in 63.2435(c)(4) the exemption for fabricating operations such as "spinning a polymer into its end use," may exempt the associated Dowtherm vaporizers. If the standard is found to be applicable, the time period for making the initial notification of applicability (rule requirement) has passed, and the facility would be out of compliance with regard to that notification. Compliance with all the provisions of the standard is required by December 2006.	The facility determined on 11/8/04 that the use of Dowtherm in its heat exchangers does not trigger the MON.	10/28/04	N/A	N/A	E

TAB 9.A

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
AAQS TITLE V AUDIT FINDINGS NOT REFERENCED ABOVE								
AAQS 2	Title V Permit Conditions in 3(h)(1), 3(l)(1), and (3)(j)(2)	Title V Permit requires facility to record operating parameters for specified emissions on a once per shift or once per day basis.	Facility failed to record operating parameters as required by Title V permit on a once per shift or once per day basis, relating to visual stack observations, pressure differential across mist eliminators, pressure differential across baghouses and cyclones, and daily operating hours of baghouses.	The facility has retrained the affected employees and is recording such parameters.	7/8/04	9/7/04	7/8/04	B,F
AAQS 5	Title V Permit Conditions 3(d)(3)(i) and (3)(d)(3)(ii)(B)	Title V Permit requires continuous opacity monitoring with respect to Dowtherm vaporizers.	Opacity monitors failed to operate for approximately a 2 week period in June, 2004.	The facility repaired or replaced the monitors.	7/804	9/7/04	7/8/04	C

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); DE Reg. No. 25, §§ 3.6A, 3.7B, 3.7C, 3.8 and 3.10.	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's ownership, in 2000 the facility conducted extensive retubing of Vaporizer No. 2. This change resulted in an increase of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
2	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); DE Reg. No. 25, §§ 3.6A, 3.7B, 3.7C, 3.8 and 3.10.	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's ownership, in 2001 the facility replaced sixteen batch polymer autoclaves. These changes resulted in an increase of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
3	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); DE Reg. No. 25, §§ 3.6A, 3.7B, 3.7C, 3.8 and 3.10; DE Reg. No. 2, § 11 and Reg. No. 25, § 2.	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) or NNSR Air Quality regulations. The PSD regulations may require modeling, permitting and/or installation of best available control technology ("BACT"). The NNSR regulations may require permitting, installation of lowest achievable emission rate ("LAER") and/or emissions offsetting.	Prior to INVISTA's ownership, in 2002 the facility conducted extensive retubing of Boiler No. 1. These changes resulted in increases of emissions above respective PSD and NNSR thresholds. No PSD or NNSR permit was obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
Exceptions								
1	9 VAC 5-80-90. D.1.	The facility must list sources of regulated air pollutants including fugitive emissions in its permit.	The facility's Operating Permit Application does not list emissions of particulates from the cooling towers or the Ash Handling system.	The facility calculated particulate emissions from the cooling towers and the ash handling system. The facility has submitted revised forms and supporting documentation related to the cooling towers and ash handling system to VADEQ as a supplement to the 1998 Title V application and a request for a minor permit modification for these insignificant activities.	1/19/05	3/20/05	3/17/05	B,F
2	Title V Permit III.C.2	Within 180 days of permit issuance, the facility must perform an initial test for PM from the three boilers and vaporizers 1 and 2.	The test was performed in the breeching from the boilers and did not include emissions from vaporizers 1 & 2.	VADEQ stated in a letter dated 7/10/02 that the stack test results were reviewed and confirmed to be adequate to satisfy the Title V testing requirement. The facility reviewed these documents and confirmed compliance. VADEQ has also reconfirmed that the stack test was compliant.	1/19/05	3/20/05	3/3/05	E

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
3	9 VAC 5-80-90.D.1.a.2	Emissions from any emissions unit (including insignificant activities) must be included in a Title V Permit application as necessary to determine rule applicability.	Quantified stack and fugitive emissions from certain emission units were not included in the Title V Permit application: - Biphenyl (a HAP) emissions from the Dowtherm system; - Methanol (a HAP) emissions from Glutaraldehyde use in nylon extrusion; - Hydrochloric acid, hydrofluoric acid, beryllium, mercury and other HAPs from coal combustion; - Toluene, methanol, perchloroethylene, and other HAPs from Benger labs.	The facility has calculated emissions from Dowtherm biphenyl losses and HAPs emissions from Benger Labs and speciated HAPs emissions from combustion activities. The facility has submitted revised forms and supporting documentation related to these emissions to VADEQ as a supplement to the 1998 Title V application and a minor permit modification request.	1/19/05	3/20/05	3/17/05	B,F
4	VPDES Permit VA0002160, Part I, Page 27	The SWPP Plan must be updated to reflect changes in site features.	Section 2.12.3.2.(a) and (b) of the SWPPP makes reference to Drawings W1344343 and W1344343. The legend in these drawings refers to outfalls 013 and 014. These outfalls do not exist on VPDES Permit VA 0002160.	The facility has updated the drawing to remove references to Outfalls 013 and 014.	1/18/05	3/19/05	1/28/05	B,F
5	VPDES Permit VA0002160, Part I, Page 29.	The facility must maintain a summary of sampling data in the SWPP Plan during the term of the permit.	Section 2.12.3.4 of the SWPP Plan data summarizes storm water sampling data for the Waynesboro site for the past three years. The last entry in the list is dated 2003. Additional data obtained since 2003 should be included in the summary.	The facility has updated the SWPPP summary of discharge sampling data to include additional data obtained since 2003. Storm water sampling has been added to the Compliance Calendar.	1/18/05	3/19/05	1/20/05	B,F
6	VPDES Permit VA0002160, Part I, Page 27	The SWPP Plan must be updated to reflect changes in site features.	Section 2.12.3.3 of the SWPPP states that gasoline is stored in an underground tank. This tank has been removed.	The facility has updated the SWPPP to remove the reference to underground storage of gasoline. The compliance calendar has been updated to include an annual check of infrastructure changes.	1/18/05	3/19/05	1/20/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
7	9 VAC 31-120 Storm Water Discharges	All storm water discharges associated with industrial activity that discharge through a storm water discharge system that is not a municipal separate storm sewer must be covered by an individual permit or a permit issued to the operator of the portion of the system that discharges to surface waters.	The Baugher Farm plop grinding facility, the pipe burning area, the C&D landfill, and other waste storage areas are considered industrial activities as defined in the regulation. The site drains to the South River. The facility does not have a storm water permit.	INVISTA has filed a Registration Statement with the VADEQ under 9 VAC 25-151-60 for coverage under 9 VAC 25-151-10 et seq. - General VPDES Permit for Dishcarges of Storm Water Associated With Industrial Activity. In support of this Registration Statement, the facility has prepared a Stormwater Pollution Prevention Plan.	1/20/05	3/21/05	3/18/05	A,F
8	VPDES Permit VA0002160, Part I, Page 29 Paragraph 3 (Good Housekeeping) Storm Water Pollution Prevention Plan section 2.12.3.6.4	The facility areas must be maintained such that contact of pollutants and rainwater is minimized. Hazardous waste accumulation areas must be covered and protected from exposure to rainwater.	The outdoor satellite accumulation area by the nylon engine room has oil staining on the front of the cabinet and apparent oil staining on the ground in front of the cabinet.	The facility has cleaned the area in and around the cabinet and properly disposed of the residue. Facility staff with responsibility for the cabinet have received targeted refresher training to ensure that they understand the importance of material control. This area was targeted for special follow-up assessment during the next quarterly stormwater audit and it has been added to quarterly stormwater checksheet.	1/20/05	3/21/05	3/7/05	A,F
9	VPDES Permit VA0002160, Part I, Page 28 paragraph (c) and page 30 paragraph (f)	The listing of spills and leaks in the SWPPP must be updated during the term of the permit.	Section 2.12.3.4 of the SWPPP lists significant spills and leaks at the Waynesboro site for the past three years. The last entry in the list is dated 7/16/03. If additional spills have occurred since then they must be added to this list.	The facility has updated the SWPPP list of spills and leaks to reflect events that occurred since 7-16-03. The SWPPP is reviewed quarterly to ensure significant spills and leaks have been documented.	1/18/05	3/19/05	1/20/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
10	9 VAC 20-60-273.13 and 273.14	The facility has made the determination that spent fluorescent lamps are universal waste and must be managed and disposed of pursuant to universal waste regulations. Fluorescent lamps should be stored in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Storage containers must also be dated upon the introduction of lamps and must be removed from the site within one (1) year.	Five (5) spent fluorescent lamps were documented in a golf bag outside the Lycra Beaming area office (Floor 1). This means of storage does not meet the universal waste storage requirements.	The facility has updated its lamp replacement procedure to clarify this requirement, including the need to place the lamps into boxes marked clearly with one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)," as well as with the earliest date that any lamp in the container was received. Facility staff with lamp replacement responsibilities have received refresher training on how to implement the procedure.	1/19/05	3/20/05	2/11/05	B,F
11	9 VAC 20-60-262.34(c)(2) and 265.173(a) and (b)	All hazardous waste containers must be closed except when adding or removing waste and must be labeled as to the contents of the container.	Two (2) drums of spent aerosol cans in the "C" Pad 90-day HWAA were not closed or labeled properly (labeled as SAA waste).	The facility has revised the <90-day storage area procedures to address keeping containers closed except when removing or adding materials and ensuring that proper labels are in place when drums are placed in storage. Staff responsible for 90-day storage area management have received training on the updated procedure. In addition, these drums were properly labeled.	1/18/05	3/19/05	2/11/05	C

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
12	9 VAC 20-60-262.34(c)(2) and 265.173(a) and (b)	The facility has made the determination that spent lead-acid batteries are to be recycled pursuant to RCRA recycling regulations.	One (1) drum of lead-acid batteries in the "C" Pad 90-day HWAA was not closed or labeled properly (labeled as hazardous waste even though the facility recycles the batteries).	The facility has closed and properly labeled the container. The facility will also investigate options for reclamation of these small lead-acid batteries. The <90 day storage area procedures have been modified as needed to ensure that battey containers are properly labeled and kept closed except when adding or removing waste. Staff with management responsibilities have been trained on the revised procedure.	1/18/05	3/19/05	2/25/05	C
13	9 VAC 20-60-265.173(a) and (b)	All hazardous waste containers must be closed except when adding or removing waste.	One (1) 55-gallon drum of Lycra Solution Polymer in a SAA on Floor 5 of the Lycra Classic building was not closed.	The facility properly closed this drum. The facility has reviewed and updated current procedures to reflect proper usage of SAA drums. Procedural changes have been added to a training module, and area staff have received the training. Documentation of the training will be maintained in the facility file.	1/18/05	3/19/05	2/17/05	C

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
14	9 VAC 20-60-273.9	Metal halide lamps are required to be managed, stored, labeled, and disposed of as either hazardous waste or universal waste.	Metal halide lamps were observed in glass recycling trash cans in the following locations: 1. Lycra Floor 2 Machine (Maintenance) Shop 2. Lycra Floor 4 Outside Control Room 3. CE Shop	The facility moved the lamps to a proper waste management location. The facility has updated lamp replacement procedures to ensure that all lamps requiring management as hazardous/universal waste are included. The procedure has been modified as needed to address proper container management. Staff with responsibilities for lamp replacement have received training on the updated procedure.	1/19/05	3/20/05	2/25/05	B,F
15	9 VAC 20-60-260.10	Facilities generating hazardous waste must manage and dispose of hazardous waste in accordance with VDEQ regulations.	Paper towels used with an aerosol containing listed hazardous waste (TCE) were observed in a solid waste receptacle in the Floor 2 Lycra machine (maintenance) shop, west engine room, and power house maintenance shop. Disposition of hazardous waste with solid waste constitutes disposal of hazardous waste.	The facility removed the paper towels from the solid waste receptacle and placed them in a proper waste management container. The facility reviewed and revised the rag management procedure as needed to confirm that it is clear ragarding proper rag management. Facility staff involved in the use of solvents and rags was trained on the updated procedure. Further, the facility initiated a program to eliminate the use of aerosols containing listed hazardous waste (TCE).	1/19/05	3/20/05	3/15/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
16	9 VAC 20-60-262.34	Facilities accumulating hazardous waste in a satellite accumulation area (SAA) must manage and store the waste in accordance with SAA rules in Part 262.	A fish tank pump and other non-hazardous waste was observed in a SAA storage container designated solely for the storage of aerosol cans, dry cell batteries, and small propane canisters in the Benger Lab storeroom.	The facility removed these wastes to a proper waste management location. The facility has provided refresher training to facility personnel on the proper management of the "aerosol can, propane cylinder and battery" containers. These containers have been added to area audits to ensure that these are routinely checked. The facility has modified general waste and contractor general waste training modules to clarify allowable items for the containers.	1/19/05	3/20/05	3/15/05	B,F
17	9 VAC 20-60-262.34	Facilities accumulating hazardous waste in a satellite accumulation area (SAA) must manage and store the waste in accordance with SAA rules in Part 262.	One 55-gallon drum of hazardous waste (amines in DMAC) was observed outside the Floor 4 control room of the Lycra Classic building. The drum was not being stored at or near the point of generation and was not under the control of the operator of the process generating the waste.	The facility transfered the amines drum to the C-Pad for disposal. The facility developed and implemented an interim procedure that eliminated the SAA. Affected personnel have been trained on the interim procedure.	1/19/05	3/20/05	3/16/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
18	40 C.F.R. Part 370	A Tier II report is required to be submitted on an annual basis for any chemical that requires an MSDS and is present in quantities greater than 10,000 lbs or any EHS present in quantities greater than 500 lbs. The location of each tank/container is required to be listed.	1. The 2003 Tier II report for diesel fuel indicates there is one storage tank at the fire water pump house. The SPCC Plan indicates there are two tanks at the fire water pump house and that there is a 100 gallon diesel tank on a truck that is not listed on the Tier II report. The SPCC Plan appears to be correct, and two storage containers are not included on the Tier II report. 2. The 2003 Tier II report for DEA does not show the storage containers at the Benger Laboratory. There is a 60 gallon DEA tank at the Benger Laboratory. 3. There are 3 capped glycol storage tanks at the Benger Laboratory not listed on the Tier II report. 4. The 2003 Tier II report does not include cyclohexamine. Cyclohexamine is an EHS. The Lycra Chemical Inventory report for 2003 indicates that the highest inventory in 2003 was 595 pounds. It appears cyclohexamine should have been reported in the 2003 Tier II report. 5. The 2003 Tier II report lists the CAS number for Glycol 1800 (Terathene) as 24979-97-3. The CAS number is incorrect.	The facility incorporated the required changes into the 2004 Tier II. The revisions to the 2003 Tier II reporting data were specifically enumerated in the cover letter for the 2004 Tier II report and requested that it be considered as an additional update to the 2003 RY Tier II report.	1/19/05	3/20/05	2/25/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
19	40 C.F.R. Part 707, Subpt. D (TSCA Section 12(b)	A company that exports a chemical that is the subject of a specific rule, action, or order under TSCA sections 4, 5, 6, or 7 must submit an "export notification letter" to EPA no later than the date on which the chemical is exported. Chemicals that are subject to TSCA section 4 test rules require a "one time only" notification for each country of destination and chemicals that are covered under section 5, 6, or 7 rules actions or orders require yearly per country of destination.	On 12/23/04 a 2 drum shipment of L-59 slurry containing DMAc, which is subject to a TSCA section 4 test rule, was exported to Japan. There was no export notification letter submitted to EPA related to the shipment.	The facility submited an export notification to EPA for the export of DMAc to Japan. DMAc has been added to the INVISTA export notification list in the corporate electronic database, which notifies the facility that potential export notifications are required when exporting DMAc. Facility personnel responsible for TSCA management have received training on the INVISTA TSCA Export Notification process.	1/19/05	3/20/05	3/15/05	B,F
20	40 C.F.R. § 112(b)	The facilities store, process, or use oil and oil products and might reasonably be expected to discharge oil in quantities that may be harmful into or upon navigable waters of the United States are subject to the spec regulation. Those having the capacity to store oil in quantities of 1320 gallons or more in containers of 55 gallons or larger are required to prepare a SPCC Plan.	The Baugher Farm plop grinding operation and the pipe burning furnace area store or use oil in the following containers: a 300 gallon diesel tank, a 3000 gallon used oil tank (currently used to store diesel fuel), a 300 gallon hydraulic oil reservoir and a 300 gallon gasoline tank. The facility does not have an SPCC Plan and it is not included in the facility's plan.	A SPCC Plan has been developed to incorporate details of spill prevention and control for the Baugher Farm property, and the SPCC Plan has been reviewed and certified by a licensed professional engineer.	1/20/05	3/21/05	3/17/05	A,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
20.1	40 C.F.R. § 112.7(c)	Owners must provide appropriate containment and/or diversionary structures or equipment to prevent a discharge. The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank or pipe, will not escape the containment system before cleanup occurs.	The 275 gallon diesel storage tank located at Baugher Farm does not have sufficient secondary containment. The existing secondary containment system has a capacity of only 246 gallons.	The facility has provided additional containment for the 275 gallon diesel storage tank. This improvement has been reviewed by a Professional Engineer and the SPCC Plan includes the new containment capacity for this tank.	2/7/05	4/7/05	3/17/05	A,F
20.2	40 C.F.R. § 112.7(g) (1)	Owners must provide facility lighting that will assist in the discovery of discharges occurring during hours of darkness and prevent discharges occurring through acts of vandalism.	There was not sufficient lighting around the 3000 gallon diesel tank.	The facility has installed additional lighting in the area of the 3000 gallon diesel storage tank. This improvement has been reviewed by a Professional Engineer and the SPCC Plan includes a description of adequate lighting for the area.	2/7/05	4/7/05	3/17/05	A,F
21	40 C.F.R. Part 112 Appendix F Section 1.8.2	The facility's Federal Oil Spill Response Plan indicates that spill response equipment will be deployed once every six months and that the records will be maintained for five years.	Records indicate that the response equipment deployment drills were conducted once in 2002, once in 2003, and not at all in 2004.	The facility has scheduled and will conduct quarterly disaster drills, rotating the drills through various locations at the Facility. The facility has updated this procedure to incorporate semi-annual equipment deployment drills. Staff with responsibilities for emergency equipment management have been provided with training on the updated procedure.	1/20/05	3/21/05	2/17/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
22	40 C.F.R. Part 112 Appendix F Section 1.8.2	The facility's Federal Oil Spill Response Plan indicates that tabletop drills will be completed annually and that the records will be maintained for five years.	Records indicate that the only table top exercise was completed in 2001.	The facility reviewed its "Critical Operating Tasks" procedures and documentation to ensure that tabletop exercises are thoroughly addressed. The facility has provided refresher training to those individuals with responsibility for tabletop exercises. The facilty has scheduled the required tabletop exercise and has added this requirement to the annual Emergency Response drill COT's and Compliance Calendar.	1/20/05	3/21/05	2/17/05	B,F
23	19 C.F.R. § 12.121 as administered by EPA under section 13 of TSCA	Imported shipments of chemicals or mixtures of chemicals, including R&D samples, must be covered by a "Positive" or "Negative" certification statement submitted to U.S. Customs at the time of importation. The certification statement may be submitted to U.S. Customs by the importing company's customs broker.	Invista "No Charge" Import shipment identified as "IMPWB020-04" was a return of LRD-47 from AKRA Mexico. Although INVISTA's broker is BDP, the shipment came back into the U.S. through broker J.O. Alvarez with no record of an import certification statement having been submitted to U.S. Customs.	The facility has submitted a post-import certification to EPA. The facility has provided instruction for personnel receiving import shipments to check shipping paperwork for import certifications and report discrepancies to the facility TSCA manager.	1/19/05	3/20/05	3/15/05	B,F
24	19 C.F.R. § 12.121 as administered by EPA under section 13 of TSCA	Imported shipments of chemicals or mixtures of chemicals, including R&D samples, must be covered by a "Positive" or "Negative" certification statement submitted to U.S. Customs at the time of importation. The certification statement may be submitted to U.S. Customs by the importing company's customs broker.	Invista "No Charge" Import shipment identified as "IMPWB022-04" containing paraformaldehyde and silicon dioxide, which originated in China, was supposed to have been handled by INVISTA's broker, BDP. BDP has no record of processing the import and there is no record of an import certification statement having been submitted to U.S. Customs.	The facility has submitted a post-import certification to EPA. The facility has provided instruction for personnel receiving import shipments to check shipping paperwork for import certifications and report discrepancies to the facility TSCA manager.	1/19/05	3/20/05	3/15/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
25 (former PE 1)	40 C.F.R. § 723.250	Manufacturers and importers of "exempt" polymers under the Polymer Exemption Rule are required to keep certain records related to the eligibility of the polymer under the rule. Required records include a signed certification statement and other documentation demonstrating that the polymer is eligible for commercial manufacture or importation.	Polymer exemption files for LRD-249 do not contain signed certification statements. Other required documentation is present.	The facility has had the polymer exemption certification statements signed by the appropriate person and placed in the facility file. The facility has revised the template polymer exemption form to indicate signature requirements and designate a location for signature for future certification statements. Personnel with responsibility for completing this form have received instruction on the signature requirement and the revised form.	1/20/05	3/21/05	3/15/05	B,F
26 (former PE 2)	40 C.F.R. § 723.250	Manufacturers and importers of "exempt" polymers under the Polymer Exemption Rule are required to keep certain records related to the eligibility of the polymer under the rule. Required records include the date on which the first commercial manufacture of the polymer under the exemption occurred.	Polymer exemption files for LRD-249 contain multiple dates on which commercial manufacture under the exemption is stated to have taken place. One date is before the actual date of the polymer exemption file and suggests that commercial manufacture took place before the polymer was determined to be eligible for the exemption.	The facility has added the actual date of commencement on the polymer exemption file for LRD-249. The facility has revised the template polymer exemption form to provide distinction between planned date of manufacture and actual (commencement) date of manufacture. Personnel with responsibility for completing this form have received instruction on completing the revised form.	1/20/05	3/21/05	3/15/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
27	40 C.F.R. Parts 82.158(h) & 82.154(b)(2)	Certified refrigeration recovery equipment must be used. The manufacturer of refrigerant recovery equipment manufactured after November 15, 1993 must affix a label on each piece of equipment stating the following: "This equipment has been certified by...to meet EPA's minimum requirements... The label shall be affixed in a readily visible or accessible location, be made of a material to last the lifetime of the equipment, be present in a manner so that it is likely to remain legible for the lifetime of the equipment, and be affixed in such a manner that it cannot be removed from the equipment without damage to the label."	The Invista owned refrigerant recovery unit on the NAX Building refrigerant bay appears to be manufactured in 1995 (based on the Serial Number) and does not have the referenced label readily visible. Since the required label was not present, it could not be confirmed that the recovery device meets applicable requirements.	The facility has permanently shut down the referenced refrigerant recovery unit.	1/20/05	3/20/05	3/3/05	A,F
28	9 VAC 5-80-340 / Title V Permit Condition X.M	The facility must submit an Annual Emission Statement summarizing "actual emissions" of "any regulated air pollutant emitted" for each calendar year for the purpose of allowing the VADEQ to assess an annual permit fee.	The 2003 Emission Statement submitted by the facility appears to include only DMAc and formaldehyde emissions from the Classic Lycra and NAX, whereas there are other sources of VOCs, including, but not limited to: - DMAc, formaldehyde and other VOCs from solvent recovery; - biphenyl (a HAP) and other VOC emissions attributable to Dowtherm system losses.	The facility has evaluated VOC emissions from Classic Lycra and NAX to determine the amount of emissions of biphenyl and other VOCs. An updated 2003 Emissions Statement has been submitted to VADEQ containing this information based on the evaluation.	1/24/05	3/24/05	3/15/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
29	9 VAC 5-80-340 / Title V Permit Condition X.M	The facility must submit an Annual Emission Statement summarizing "actual emissions" of "any regulated air pollutant emitted" for each calendar year for the purpose of allowing the VADEQ to assess an annual permit fee.	Formaldehyde (HCHO) emissions were incorrectly listed on the revised 2003 Emission Statement (submitted 11/12/04) as a non-VOC HAP, whereas formaldehyde is a VOC and should be included in the "Total VOC" category in the statement.	The facility has updated the 2003 Emissions Statement to list Formaldehyde emissions as a VOC and to include in the Total VOC emissions category. An updated 2003 Emissions Statement has been submitted to VADEQ.	1/25/05	3/25/05	3/15/05	B,F
30	40 C.F.R. § 63.1110(c)	The Initial Notification requirements for the NESHAP for Generic Sources, Subpart YY, under 40 CFR 63.1110(c) requires identification of each unit that will be subject to the MACT. Initial Notification was due on July 12, 2003.	The information submitted to the EPA on May 14, 2002 does not satisfy the Initial Notification requirements of 40 CFR 63.1110(c). The Initial Notification must include: 1) Identification of the storage vessels subject to the MACT, 2) Identification of the process vents subject the MACT, 3) Identification of the transfer racks subject to the MACT, and 4) Identification of other equipment or emission points subject to the MACT. These items were not included in the information sent to the EPA.	The facility has submited to the EPA an initial notification of applicability in accordance with the guidance provided in the Spandex MACT regulation.	1/26/05	3/26/05	3/18/05	D,F
31	9 VAC 5-80-90.D.1.a.1	Insignificant activities defined under 9 VAC 5-80-720 B or C shall be listed in the permit application and identified as an insignificant activity.	Condition VIII of the facility's Title V Permit does not include Tanks 618 (6,000 gal gasoline at Powerhouse) and 604B (6,000 gallon diesel at Powerhouse) in the listing of insignificant activities identified in the application. However, it is unclear if these two tanks were included in the application and omitted by the Facility in the listing, or if they were omitted by the facility in the application.	The facility has submited revised forms and supporting documentation related to Tanks 618 and 604B to VADEQ as a supplement to the 1998 Title V application and a minor permit modification. VADEQ issued a revised state NSR permit on 7/25/05. The facility awaits the Title V permit issuance.	1/27/05	3/27/05	3/17/05 See Tab 18.B	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
32	40 C.F.R. § 61.145 (b)	An asbestos NESHAP notification is required within 10 working days for all projects removing greater than 260 linear feet of regulated asbestos containing materials (RACM) on pipes, 160 square feet of RACM on other facility components, or a least 35 cubic feet off facility components.	No notification was sent to the EPA Region III office notifying them of the intent to remove asbestos (quantity of 300 linear. ft. and 2000 sq. ft.) with a project start date of 12-Jul-04 and a stop date of 20-Jul-04. A notification was sent to the Virginia Department of Labor and Industry, Occupational Health Enforcement Division, however Region III also requires notification.	Written notification has been made to the EPA Region III office notifying them of previous July 12, 2004 asbestos abatement project. The facility reviewed its procedures for ensuring that the appropriate state and federal notifications of asbestos abatement projects are properly and timely filed.	1/27/05	3/27/05	2/7/05	C
33	40 C.F.R. Part 112 Appendix F Section 1.8.2	Because the facility is required to have a Facility Response Plan (FRP), the facility must obtain records from the spill response contractors to verify they have conducted the training and spill exercises and drills as required by the regulations. EPA regulations require these records to be maintained for five years.	Records were not available to verify the facility's spill response contractor had conducted the required drills.	The facility has obtained copies of the training, spill exercises and drill records as required by EPA from the spill contractor. These records will be maintained on site for 5 years.	1/24/05	3/24/05	2/21/05	B,F
34	40 C.F.R. Part 112	The SPCC Plan must be prepared to adequately describe oil storage areas at the Plant.	The SPCC Plan incorrectly indicates the oil storage capacity of tank 534 C as 250 gallons instead of 1,000 gallons.	The SPCC plan has been updated to correct the oil storage capacity of tank 534-C to 1000 gallons. The total plant capacity has been recalculated to include the change in stated volume.	1/24/05	3/24/05	3/23/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
35	40 C.F.R. § 112.8 (b)1.	Facility's with SPCC Plans that include draining precipitation from secondary containment dikes must document inspections of the precipitation for contamination prior to discharge and maintain the records for three years.	Procedures are in place to document the draining of precipitation from secondary containment dikes but a portion of the records for draining dike 801 in 2004 were not available.	The facility has reviewed and revised inspection procedure. The plant staff has received targeted refresher training procedure for release of the stormwater and the required documentation.	1/25/05	3/25/05	3/9/05	B,F
36	40 C.F.R. § 112.7 (f)	The SPCC Plan regulations require that SPCC Plan training be provided to personnel and that annual discharge prevention briefings must be completed. These records must be maintained for three years.	The Federal Oil Spill Response Plan which includes the Plant's SPCC Plan does not mention SPCC Plan training nor annual discharge prevention briefings. Records indicate that personnel that perform the daily and weekly tank inspections for the state regulated oil storage tanks are provided SPCC Plan training but no training is provided to personnel that work with the finish oil tanks nor oil storage drums. Personnel indicated that annual discharge prevention meetings have not been held for several years.	The facility has provided SPCC training to personnel assigned to work with the finish oil tanks and finish storage drums. The facility will also hold required 2005 annual discharge prevention briefings and enter meetings on compliance calendar. All records will be retained for 3 years.	1/25/05	3/25/05	2/28/05	B,F
37	40 C.F.R. Part 112 Appendix E Section 3.0	Facilities that are required to prepare a Facility Response Plans are required to be able to have 1,000 feet of containment boom on site within one hour.	The Plant's Federal Oil Spill Response Plan only identifies 600 feet of boom that can be on site within one hour.	The facility asked a professional engineer (PE) to evaluate the need for additional containment boom based on the size of the South River. The PE reviewed the certified Facility Response Plan (FRP) to ensure that it accurately reflects the appropriate amount of boom length.	1/25/05	3/25/05	3/23/05	E

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
38	40 C.F.R. § 112.7(e)	The Plant's Federal Oil Spill Response Plan indicates that the monthly inspections of the oil filled transformers will be performed and that all of the tanks are to be inspected on an annual basis. The inspections must be documented and the records maintained for a period of three years.	Personnel indicated that only annual documented inspections of the transformers are performed and that documented inspections of oil storage tanks other than the weekly and daily inspections conducted to meet the VADEQ oil tank regulations are not performed.	The site has implemented documented inspections of the transformers and oil tanks not included in the VADEQ oil tank regulations as specified by the INVISTA - Waynesboro SPCC plan. These inspection records will be maintained for three years.	1/25/05	3/25/05	3/23/05	B,F
39	40 C.F.R. § 112.7	The Plant's Federal Oil Spill Response Plan indicates that the conservation vents and flame arrestors on the oil storage tanks will be inspected annually with the records maintained for three years.	Oil storage tanks 604A, 604B, and 607 were identified as having conservation vents and flame arrestors. Records were found documenting inspections of the vents and flame arrestors in 2003. Personnel indicated that inspections were not conducted in 2004 and records of the inspections in 2002 were not maintained.	After discussion with the Professional Engineer (PE) developing revisions to the facility SPCC plan, the PE removed the requirement for documented inspections of flame arrestors and conservation vents from the SPCC plan because these devices are not required by the SPCC regulation. The facility will continue to inspect and maintain these devices separate from the SPCC plan. Personnel responsible for inspecting this equipment have received training/review on the inspection frequency and documentation requirements.	1/26/05	3/26/05	3/23/05	E

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
40	40 C.F.R. § 112.8(C)(11)	Portable tanks should be parked in areas that have secondary containment.	The vehicle fueling truck is parked in area that drains to the river.	The facility relocated fuel truck parking into secondary containment. The facility modified audit practices to ensure trucks are parked within a containment area. Affected persons have been trained on the revised requirements for fuel truck parking.	1/27/05	3/27/05	2/14/05	B,F
41	40 C.F.R. § 112.8(d)(5)	The Plant's Federal Oil Spill Response Plan indicates that signs are posted at overhead lines to warn drivers of the fuel piping.	No warnings signs were observed at overhead piping locations.	Warning signs have been placed at overhead lines to warn drivers of fuel piping as required by 40 CFR 112.8(d)(5). Annual inspection of the signs has been included on the site compliance calendar.	1/27/05	3/27/05	3/10/05	B,F
42	40 C.F.R. Part 112	All oil storage and usage areas with a capacity of 55 gallons or more must be addressed in the SPCC Plan and FRP.	Thirteen locations of tanks, reservoirs, or storage areas were identified as having capacities of 55 gallons or greater of oil and were not included in the SPCC Plan and FRP. Locations include the BCF building, powerhouse, Lycra Classic, Benger Lab, NAX and solvent recovery.	The facility has revised the SPCC Plan and FRP to include and/or correct the tank descriptions.	1/27/05	3/27/05	3/23/05	A,F
43	40 C.F.R. § 112.3	Facilities storing greater than 1,320 gallons of oil must prepare a Spill Prevention Control and Countermeasure (SPCC) Plan meeting the requirements of the regulations.	The Facility's SPCC Plan is included in the Federal Oil Spill Response Plan which has been updated to meet the requirements of the revised SPCC regulations that are not yet in effect. The plan was reviewed and found to not adequately address twelve provisions of the regulation.	The facility SPCC Plan has been updated to meet the requirements of the revised SPCC regulations.	1/26/05	3/26/05	3/23/05	E

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
44	40 C.F.R. § 112.20	Facilities that store more than 1,000,000 gallons of oil and are located such that a spill could cause substantial harm to the environment must prepare and submit a Facility Response Plan to the regional EPA administrator.	The Facility's FRP has been submitted and EPA has approved the Plan but the Plan does not adequately address a significant number of regulatory requirements.	The Waynesboro Facility Response Plan (FRP) has been revised to address the noted deficiencies. Staff with responsibilities for implementation of the FRP have met to review the changes and confirm a common understanding of plan content. The revisions have been submitted to the EPA Regional Administrator.	1/25/05	3/25/05	3/23/05	A,F
45	40 C.F.R. § 112.7 (e)	The SPCC Plan regulations require that oil storage areas be inspected in accordance with written procedures on a regularly basis. Records of the inspection must be maintained for a period of three years.	The Federal Oil Spill Response Plan does not address the inspection of oil drum storage areas and personnel indicated that documented inspections of the oil drum storage areas were not completed.	The Federal Oil Spill Response Plan has been revised to address the inspection of oil drum storage areas. The facility has implemented inspections of oil drum storage as specified by the INVISTA - Waynesboro SPCC plan. Training has been provided to the plant staff who inspect the oil drum storage areas.	1/25/05	3/25/05	3/23/05	A,F
46	40 C.F.R. Part 370	A Tier II report is required to be submitted on an annual basis for any chemical that requires an MSDS and is present in quantities greater than 10,000 lbs or any EHS present in greater than 500 lbs.	The 2003 Tier II report did not include L-59; hydraulic, gear, lubricating and turbine oil; silicone finishing oil, and sulfuric acid.	The facility incorporated the required changes identified by the audit into the 2004 Tier II report which was submitted in March 2005. The revisions to the 2003 Tier II reporting data were addressed in the cover letter for the 2004 Tier II report as an additional update to the 2003 RY Tier II report.	1/19/05	3/19/05	2/25/05	D,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
47	40 C.F.R. Part 372	A Facility is required to submit a Toxic Release Inventory (TRI) report for chemicals manufactured in quantities exceeding 25,000 lbs. "Manufactured applies to a toxic chemical that is produced coincidentally during the manufacture, processing, use, or disposal of another mixture of chemicals, including a toxic chemical that is separated from that other chemical or mixture of chemicals as a byproduct, and a toxic chemical that remains in that other chemical or mixture of chemicals as an impurity."	Formaldehyde is a listed TRI chemical. Formaldehyde is manufactured in the following processes: coal, fuel oil, natural gas, and gasoline combustion; DMAC spinning; and solvent recovery processes. There was insufficient data to accurately estimate the total formaldehyde manufactured quantity from the DMAC spinning and solvent recovery process. However, air emission inventory reporting indicates that at least 6,700 lbs of formaldehyde is manufactured (emitted). Other manufactured formaldehyde reacts with amines to form a new chemical compound (so that the total formaldehyde formed cannot be easily measured or estimated). The manufactured quantity of formaldehyde from the DMAC spinning and solvent recovery process is at least 6,700 lbs, but there is insufficient data to determine whether the total exceeds 25,000 lbs. The Facility is required to keep records documenting that reporting thresholds have not been exceeded.	The facility has quantified and documented formaldehyde manufacture to confirm that TRI reporting is not necessary. The facility has added formaldehyde to its list of TRI chemicals for review on annual basis to ensure that they are adequately evaluated.	1/24/05	3/24/05	3/3/05	E

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
48	Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C.A. § 136 j (A)(2)(g)	Section 136 j (A) (2) (g) of the Federal Insecticide, Fungicide and Rodenticide Act provides that "it shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling"	Four instances of improper registered pesticide container disposal practices were observed relating to the use of "Spectrus OX103".	The facility has identified all areas of Spectrus use on site, removed any tablets on the ground and empty buckets. These buckets were disposed of properly. The procedures for handling, use and disposal of these products has been revised and training has been completed for all responsible personnel.	1/26/05	3/26/05	3/23/05	B,F
49	9 VAC 20-60.A.262.20 and 268	A generator who transports or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a manifest and complete a land disposal restriction form according to the instructions pertained in Part 262.	The land disposal restriction (LDR) form for manifest number 04250 (09-08-04) does not include the hazardous waste code F002 for tetrachloroethylene waste. It only includes the code D009 for mercury waste.	The facility found a copy of the missing LDR form for the F002 tetrachloroethylene waste. The facility attached the LDR form to the file copy of the waste manifest and has retained these documents onsite per records retention requirements. The facility has upgraded waste-handling procedures to include the addition of a manifest preparation checklist to identify potential errors associated with manifests and LDR paperwork prior to the waste being shipped offsite. The facility has also established a routine procedure for performing quality checks on new and past manifests and LDR notices.	1/24/05	3/24/05	3/8/05	C

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
50	9 VAC 20-60.A.262.11 and 262.34(a)(2)	A person who generates a solid waste must determine if that waste is a hazardous waste through testing or generator/process knowledge. In addition, the date upon which each period of accumulation begins must be clearly marked and visible on each container (accumulation start date).	The facility did not properly and fully characterize several drums and buckets of chemicals prior to moving them to the "C" Pad 90 day HWAA for storage for disposal. The drums and buckets were not marked with the original date of accumulation; therefore it is unknown how long the containers have been stored in the HWAA or if the facility is meeting the less than 90 day permit exemption.	The facility properly labeled and characterized these waste materials prior to offsite disposal. The facility has included disposal of 1st grade product in waste handling procedures for Hazardous Waste Coordinator (HWC) and C Pad operator. This has been included in HWC checklist for handling hazardous waste, including waste characterization and container labeling prior to moving to C Pad 90 Day HWAA.	1/24/05	3/24/05	2/11/05	B,F
51	9 VAC 20-60.A.279.22(C)	All containers and tanks used to store used oil must be labeled or marked clearly with the words "Used Oil."	One (1) unlabeled 55-gallon drum of used oil was observed on Floor 1 of the Power House.	The facility labeled and moved this drum to an appropriate waste management location. The facility has reviewed and upgraded area procedures for handling used oil, including requirement for labeling as "Used Oil". Employee training documents have been revised to address upgrades and general awareness training has been resubmitted to the entire site.	1/24/05	3/24/05	2/25/05	C

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
52	9 VAC 20-60.A.273.9	Metal halide and fluorescent lamps are required to be managed, stored, labeled, and disposed of as either hazardous waste or universal waste.	Universal Waste light bulbs were found in the following locations: -Metal Halide bulb found in the Lycra 3rd floor CE shop recycle glass container. -GE Biax 28 watt Fluorescent bulb found in the recycle glass container in the Lycra Classic Spinning maintenance shop. -Broken Fluorescent bulb found in the recycle glass container in the KB&R 5th street shop -Broken Fluorescent bulb found in the recycle glass container in the KB&R wood shop	The facility has updated lamp replacement procedures to include all hazardous lamps. Procedures include proper labeling of boxes and that they must be kept closed when lamps are not being added. General waste, contractor waste and hazardous waste training modules have been updated and refresher training has been completed.	1/25/05	3/25/05	3/15/05	B,F
53	9 VAC 20-60.A.262.34(c)(2) and 265.173(a) and (b)	Hazardous waste containers are to be closed except when adding or removing waste.	A drum of waste paint in the KB&R wood shop was observed to be open. The drum was marked with the word "waste" and was identified by facility personnel as a hazardous waste stream.	The facility moved and properly labeled this drum. The facility has developed contractor procedures for handling paints and operating satellite accumulation areas. The affected employees have completed training on the procedures.	1/25/05	3/25/05	3/14/05	C
54	9 VAC 20-60.A.262.11	A person who generates a solid waste must determine if that waste is a hazardous waste through testing or generator/process knowledge.	An open bucket of solidified waste paint was observed in the KB&R wood shop. The waste paint has not been characterized.	The bucket has been removed and properly disposed. Contractor procedures have been revised to include handling and storage of paints and characterization of paint wastes. Training has been completed for all contract employees.	1/25/05	3/25/05	3/14/05	C

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
55	9 VAC 20-60.A.262.30	Hazardous waste must be stored in approved containers.	Spectrus OX103 algaecide and fungicide pellets were observed on the floor of the east engine room cooling tower chemical building, and have therefore been discarded. The MSDS for this material states that it is a D001 ignitable hazardous waste when disposed of in an undiluted form.	The facility has identified all areas of Spectrus use on site, and removed any tablets on the ground and empty buckets. These buckets have been disposed of properly. The procedures for handling, use and disposal of these products have been revised and all responsible personnel have received training.	1/25/05	3/25/05	3/23/05	B,F
56	9 VAC 20-60.A.262.34(a)(1)	Facilities accumulating hazardous waste in a satellite accumulation area (SAA) must manage and store the waste in accordance with SAA rules in Part 262.	Waste mercury is stored in a SAA outside the "C-Pad" 90 day HWAA; however, this storage area does not meet SAA requirements because the storage area is not at or near the point of generation or under the control of the operator (generator of the waste).	The facility has discontinued using the metal cabinet as a Satellite Accumulation Area (SAA) for equipment-related mercury wastes, including switches, relays and other miscellaneous mercury-containing equipment. Equipment-related mercury waste sent to the C Pad is handled on a case-by-case basis and stored and shipped in less than 90 days. Procedures for handling, storage and shipping from the C Pad have been revised to accommodate these changes. Personnel with responsibility for managing these wastes have been trained in the changes to the procedures.	1/26/05	3/26/05	3/3/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
57	9 VAC 20-60.A.262.11	A person who generates a solid waste must determine if that waste is a hazardous waste through testing or generator/process knowledge.	Three (3) drums labeled as "dirty diesel fuel" were observed in the back of a tractor trailer west of the KB&R fleet shop. According to KB&R personnel, the diesel fuel has been impacted or cross-contaminated and is unusable.	The facility has properly labeled these drums and sent them to the C pad for proper disposal. The contractor procedures have been revised. Contractor personnel training has been conducted.	1/26/05	3/26/05	3/23/05	B,F
58	9 VAC 20-60.A.265.15	The owner or operator of a facility that generates hazardous waste must inspect the facility for malfunctions and deterioration, operator errors, and discharges on a weekly basis. Inspection records must be retained at the facility for at least 3 years from the date of inspection.	The facility was missing weekly hazardous waste inspections for the "E" Pad HWAA for the dates 11-09-04 and 12-06-04.	The facility is conducting the weekly inspections and has added this requirement to the Compliance Calendar. Staff with inspection responsibilities have received refresher training.	1/26/05	3/26/05	2/25/05	C
59	9 VAC 20-60.A.265.16	The owner or operator of a facility generating hazardous waste must maintain the job titles and written job descriptions for each individual that engages in hazardous waste management.	Although job titles exist for individuals that manage hazardous waste at the facility, job descriptions do not include the requisite skill, education, or other qualifications and duties of facility personnel assigned to hazardous waste management.	Job descriptions for individuals that manage hazardous waste have been modified to include specific references to the handling of hazardous waste; requisite skills, education, or other qualifications were also included.	1/26/05	3/26/05	2/18/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
60	9 VAC 20-60.A.262.51, 262.52, and 262.54	Each owner or operator of a facility generating hazardous waste must have contingency plan and update that plan when necessary.	The facility Hazardous Waste Contingency Plan (HWCP) is out-of-date and/or missing elements pertaining to SAA; emergency contact information; capabilities of emergency equipment; references to the former Part B pad; and references to two separate plans (old format) instead of the new format (one single plan).	The facility has revised the HWCP to address the outdated and missing elements. This document has been forwarded to the appropriate agencies and is maintained by the site Hazardous Waste Coordinator. Annual review of the Contingency Plan has been added to the Compliance Calendar.	1/26/05	3/26/05	3/18/05	A,F
61	9 VAC 20-60.A.262.34	Facilities accumulating hazardous waste in a satellite accumulation area (SAA) must manage and store the waste in accordance with SAA rules in Part 262.	Methanol mixed with urine was stored as biohazardous waste in the first floor of the Control Lab. According to site contacts, this waste is disposed with diethylamine (DEA) and ethylenediamine (EDA) as hazardous waste but was not labeled as hazardous waste while in storage in the lab.	The facility has changed the label on the lab can to reflect "Hazardous Waste" and the actual hazardous waste name(s). A tag has been placed on the can handle to indicate the proper "E" pad drum for disposal. The changes have been documented and communicated to lab personnel.	1/27/05	3/27/05	2/25/05	C

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
62	40 C.F.R. §§ 265.1050 (Subpart BB) and 261.6(c) and (d) and 40 C.F.R. § 265.1064	Generators are required to conduct monthly leak detection monitoring of air emissions from pumps, piping, and valves handling hazardous waste. Each owner or operator subject to the requirements of Subpart BB is subject to the recordkeeping requirements set forth in 40 CFR 265.1064.	There is currently no monitoring program in place for the piping system between the perchloroethylene point of generation in the lab and the point of reclamation on the "E-Pad" HWAA. Although the perchloroethylene is exempt from RCRA requirements once it is reclaimed, it is still subject to Subpart BB requirements from the point of generation to the point of reclamation per Part 261.6(c) and (d). The facility does not have any of the records required by 40 CFR 265.1064.	Legal review of the perchloroethylene solvent management process has concluded that the piping system is exempt from RCRA hazardous waste requirements, including Subpart BB. The site has documented that the transfer equipment/container label(s) properly identify the solvent as used material/product and not as a waste. Personnel responsible for managing this process, including labeling, storage, and sale of the used material, have received documented instruction on these requirements.	1/27/05	3/27/05	3/24/05	E
62.1	40 C.F.R. Part 265 Subparts AA and BB	If a facility otherwise holds a RCRA permit, recycling activities are subject to the air emissions requirements of Subparts AA and BB	The facility is not adhering to the Subpart AA and BB air monitoring and recordkeeping requirements for the piping system between the perchloroethylene point of generation in the lab and the point of reclamation on the "E-Pad" HWAA.	The facility has confirmed with the VADEQ Hazardous Waste Compliance Manager that Virginia does not consider the DuPont RCRA permit to trigger the requirements of Subparts AA and BB for INVISTA recycling activities.	2/23/05	4/24/05	4/14/05	E

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
63	VPDES Permit VA0002160, Part I, Page 27	The SWPPP must be updated to reflect changes in facility features.	Section 2.12.3.2.a of the SWPPP makes reference to Drawing W1344352. The legend in drawing W1344352 identifies hazardous waste satellite accumulation areas (SAA). A SAA is shown by the water treatment building on drawing W1344352 but does not exist on the facility property. A SAA exists in the gas A annex by the coal conveyor but is not shown on drawing W1344352.	The facility has updated Drawing W1344343 to include the satellite accumulation area (SAA) near the Gas A Annex by the coal conveyor and remove the SAA by the water treatment building.	1/24/05	3/24/05	1/28/05	B,F
64	VPDES Permit VA0002160, Page 35 Sec 3.b.1 Page 36 Sec 3.b.5.a Page 38 Sec 4 b.1.e Page 39 Sec 4.b.1.k	Compliance is required with the following sections of the VPDES Permit: "Good Housekeeping" "Practices for Material Handling & Storage" "Misc Loading/Unloading Areas" "Ash Loading Areas"	A pile of ash was observed on the pavement by the ash loading facility, approximately 10' away from a storm sewer routed directly to the river. This does not meet the housekeeping requirements of the VPDES permit.	The facility has cleaned the pavement by the ash loading facility, and disposed of the residue. Plant staff with responsibility for the ash loading area received targeted refresher training to ensure that they understand the importance of material control. This area was targeted for special follow-up assessment during the next quarterly stormwater audit. The facility has added this area to the weekly plant safety audits.	1/24/05	3/24/05	3/7/05	B,F
65	VPDES Permit VA0002160, Part I, Page 29 paragraph (e) Page 26 Section 2	The VPDES permit requires that the SWPPP address risk identification, potential pollutant sources, and ensure the implementation of practices that are to be used to reduce the pollutants in storm water.	Chloride from the use of road salt is not included in the SWPPP.	The Risk Identification section of the Waynesboro SWPPP has been revised to include the use of chloride as a deicing material during inclement weather. The Measures and Controls section of the Waynesboro SWPPP has been revised to include a description of the site first flush diversion procedure.	1/26/05	3/26/05	2/7/05	A,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
66	40 C.F.R. § 761.65	PCB waste may only be stored in a temporary location (i.e., a location not meeting PCB storage facility requirements at Part 761.65) for 30 days from the date of removal from service.	PCB waste was being stored for longer than 30 days from the date of removal from service in a flammable materials locker west of the Gas A building. This storage meets the USEPA definition of a "PCB Temporary Storage Unit".	The facility moved this PCB waste to a proper management location. The facility has developed a revised PCB Management procedure, including new handling, storing, shipping and documenting principles for PCBs. The revised procedure specifically addresses the 30 day temporary storage requirement. Training of duties and responsibility for record keeping has been documented.	1/27/05	3/27/05	3/23/05	B,F
67	40 C.F.R. § 761.65	PCB storage containers (including drums) shall have a record that includes for each batch of PCBs the quantity of the batch and the date the batch was added to the container. The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container. PCB records shall be maintained for at least 3 years after the facility ceases using or storing PCBs and PCB Items.	No record of PCBs or PCB items are maintained for PCB storage at either the temporary storage unit (Gas A flammable materials locker) or at the "C" Pad 90 day HWAA.	The facility has developed a revised PCB Management procedure that sets out new handling, storing, shipping and documenting principles for PCBs. Procedures include an itemized record keeping of all PCBs for confirmation of annual reporting requirements. Training of duties and responsibility for record keeping has been documented.	1/27/05	3/27/05	3/23/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
68	40 C.F.R. § 761.180	A facility that uses or stores at any one time at least 45 kg (99.4 pounds) of PCBs must prepare a PCB Annual Document Log by July 1 covering the previous calendar year. PCB records shall be maintained for at least 3 years after the facility ceases using or storing PCBs and PCB Items.	According to facility manifests, the facility has disposed of over 99.4 pounds of PCBs during both 2003 and 2004. Based on this information, the facility should have prepared a written PCB Annual Document Log for each of those years.	The facility has prepared the required PCB Annual Document Log for 2003 and 2004 for file retention. The facility has developed a revised PCB Management process that sets out new handling, storage, shipping and documenting principles for PCBs, including the requirement for itemized record keeping for PCB disposal and the requirement to prepare a PCB Annual Document Log when the 99.4 pound threshold is reached. Training of duties and responsibility for record keeping for affected personnel has been documented.	1/27/05	3/27/05	3/23/05	B,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
69	40 C.F.R. § 761.218(d)(1)	Generators of PCB waste shall keep a copy of each Certificate of Disposal that they receive from disposers of PCB waste. PCB records shall be maintained for at least 3 years after the facility ceases using or storing PCBs and PCB Items.	Certificates of Disposal were not available for one (1) 2003 hazardous waste manifest and four (4) 2004 hazardous waste manifests for the disposal of PCBs.	The facility has obtained the Certificates of Destruction for all PCB manifests older than 1 year and CODs for PCB manifests shipped within the last year. The facility has revised its PCB Management procedure to guide new handling, storage, shipping and documenting principles for PCBs. The Hazardous Waste Coordinator has upgraded manifest procedures and checklists to include receiving Certificates of Destruction for all PCB shipments. The checklist directs the Coordinator to make periodic contact with the disposal company until the PCBs are destroyed and the COD is received at the facility.	1/27/05	3/27/05	3/23/05	B,F
70	9 VAC 20-60.A.279.22 and 279.1	Used oil containers and tanks are required to be labeled or marked clearly with the words "used oil". Used oil is defined as oil that has been used and as a result of such use is contaminated by physical or chemical impurities.	The 3,000 gallon AST at Baugher Farms is mislabeled as containing Used Oil. The tank actually contains No. 2 fuel oil.	The 3000 gallon AST at Baugher Farm has been appropriately relabeled as No. 2 Fuel Oil.	1/20/05	3/20/05	2/2/05	D,F

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
71	9 VAC 20-60-279	The tanker formerly used to store used oil generated at the oil/water separator is no longer used for that purpose. One of the tanks is labeled "Used Oil". If the tanker is to be retained, proper labeling must be applied.	The tanker should be labeled as to its contents. If it is not used exclusively for used oil storage, the labels/placards should be changed to reflect the contents.	The tanker is no longer used for used oil storage. The label/placards have been changed to reflect the contents of the tank.	1/24/05	3/24/05	2/22/05	B,F
72	9 VAC 20-60.A.279.22(C)	All containers and tanks used to store used oil must be labeled or marked clearly with the words "Used Oil."	Two (2) unlabeled used oil drums were observed adjacent to the No. 6 fuel oil AST west of the east engine room.	The (2) unlabeled used oil drums observed adjacent to the No. 6 fuel oil AST west of the east engine room have been labeled. Plant staff responsible for labeling drums have received refresher training, and the training has been documented in the facility training records.	1/25/05	3/25/05	3/11/05	C

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
			POTENTIAL EXCEPTIONS					
1	9 VAC 5-80-1150.B	An air permit application must include all information necessary to allow the VADEQ to determine the effect of the proposed source on ambient air quality and to determine compliance with the emission standards which are applicable.	In the permit application for the North America Lycra Expansion (dated 11/24/93) the stated emissions increase for the Expansion includes only DMAC emissions, whereas formaldehyde emissions and VOC emissions from miscellaneous emission points are also described in the application. Acetamide and other VOC emissions from the Solvent Recovery area were not addressed in the application. In effect, the stated emissions increase was incorrect and did not include all VOC emissions attributable to the Expansion. Moreover, based on the "2004 Acetamide Air Emissions Estimate - Starting point for further study, D.H. Marlow 11/9/04", which presents a preliminary estimate of fugitive acetamide and VOC emissions from the Solvent Recovery area, it appears that the omission of the aforementioned formaldehyde, VOC and acetamide emissions may have lead the VADEQ to incorrectly permit the Expansion as a PSD minor modification for VOCs.	The facility conducted an evaluation of VOC emissions from the North America Lycra Expansion. This evaluation confirms that VADEQ correctly permitted the expansion as a PSD minor modification for VOCs. The facility is maintaining this evaluation on-site.	1/25/05	3/25/05	3/24/05	E

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
2	9 VAC 5-80-340 / Title V Permit Condition X.M	The facility must submit an Annual Emission Statement summarizing "actual emissions" of "any regulated air pollutant emitted" for each calendar year for the purpose of allowing the VADEQ to assess an annual permit fee.	The facility currently relies on emission factors provided by a VADEQ inspector to calculate "Site Total DMAC" emissions and "Lycra Total Formaldehyde" emissions. However, facility personnel indicated that they were not certain about the basis for the emissions factors or if they reflect a comprehensive accounting of VOCs for the emissions categories they describe. Moreover, based on the "2004 Acetamide Air Emissions Estimate - Starting point for further study, D.H. Marlow 11/9/04", which presents a preliminary estimate of fugitive acetamide and VOC emissions from the Solvent Recovery area, it appears that the emission factors used by the facility may not include all of the VOC emissions from the "Lycra Production Facility". The Lycra Production Facility apparently includes certain equipment located in the Solvent Recovery area which is included in the "Lycra Production Facility" as it is defined in the facility's Title V permit.	The facility completed a comprehensive facility-wide air emissions inventory and developed an estimate of point source and fugitive emissions using emission factors applicable to the Waynesboro operations. Based on this work, the facility has concluded that previous emission calculations have adequately accounted for point source emissions, which is what is required to be reported to VADEQ on an annual basis.	1/26/05	3/26/05	3/24/05	E

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Assigned	60 Day Deadline	Date Corrected	Frequency/ Duration
3	Title V Permit Condition X.D	The facility must submit an Annual Compliance Certification by March 1st or each calendar year certifying compliance with all terms and conditions of the Permit, including emission limitation standards.	Based on the "2004 Acetamide Air Emissions Estimate - Starting point for further study, D.H. Marlow 11/9/04", which presents a preliminary estimate of fugitive acetamide and VOC emissions from the Solvent Recovery area, it appears that the emission factors used by the facility may not include all of the VOC emissions from the "Lycra Production Facility". The Lycra Production Facility apparently includes certain equipment located in the Solvent Recovery area which is included in the "Lycra Production Facility" as it is defined in the facility's Title V permit. Therefore, the facility's 2001, 2002 and 2003 Annual Compliance Certifications may have incorrectly reported compliance with the VOC emission limit in Title V Permit Condition V.A.2. for "Lycra Production Facility".	The facility completed a comprehensive facility-wide air emissions inventory and developed an estimate of fugitive VOC emissions from the Solvent Recovery Area. In addition, the facility completed an analysis of the Title V Permit limit and determined that this limit is a point source limit only. Based on this work, the facility did not exceed the VOC emission limit in the Title V Permit and therefore did not report incorrect information on the 2001, 2002 and 2003 Annual Compliance Certifications.	1/26/05	3/26/05	3/24/05	E

INVIS . S.à r.l.
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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
1	30 T.A.C. § 335.43(a) and §§ 335.112(a)(9), 335.152(a)(8) (adopting by reference 40 C.F.R. Parts 264 and 265, Subpart J - Tank Systems); 40 C.F.R. §§ 268.7 and 268.9	No person shall store, process, or dispose of hazardous waste without first having obtained a permit. A generator may accumulate hazardous waste on-site for 90 days without a permit if the waste is placed in tanks and the generator complies with the applicable requirements. In addition, generators of characteristic hazardous wastes that decharacterize the wastes and then ship the resulting non-hazardous wastes off-site must comply with certain recordkeeping and reporting requirements under the land disposal restrictions ("LDR") program.	The facility's Lycra recovery process generates two aqueous organic waste streams (WFE tails and dimethyl formamide (DMF) removal column purge). WFE tails are non-hazardous; DMF purge is characteristically hazardous (D001). Both streams are collected in Utility Tank #4 prior to shipping off-site for energy recovery. The combined stream is non-hazardous. Tank #4 is not managed as a 90 day tank.	The facility has segregated the DMF purge stream and sends it directly to the on-site WWTP and thus no longer stores it in Tank #4. These measures have been approved by VDEQ.	5/31/2005	7/30/2005 Current extension request to 10/15/05	10/15/05	A,F

INVISTA S.à r.l. **TAB 10.B – ADDENDUM**

CAMS Findings

Voluntary Disclosures for Waynesboro, Virginia

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
EXCEPTION								
1	30 T.A.C. § 335.43(a) and §§ 335.112(a)(9), 335.152(a)(8) (adopting by reference 40 C.F.R. Parts 264 and 265, Subpart J - Tank Systems); 40 C.F.R. §§ 268.7 and 268.9	No person shall store, process, or dispose of hazardous waste without first having obtained a permit. A generator may accumulate hazardous waste on-site for 90 days without a permit if the waste is placed in tanks and the generator complies with the applicable requirements. In addition, generators of characteristic hazardous wastes that decharacterize the wastes and then ship the resulting non-hazardous wastes off-site must comply with certain recordkeeping and reporting requirements under the land disposal restrictions ("LDR") program.	The facility's Lycra recovery process generates two aqueous organic waste streams (WFE tails and dimethyl formamide (DMF) removal column purge). WFE tails are non-hazardous; DMF purge is characteristically hazardous (D001). Both streams are collected in Utility Tank #4 prior to shipping off-site for energy recovery. The combined stream is non-hazardous. Tank #4 is not managed as a 90 day tank.	The facility has segregated the DMF purge stream and sends it directly to the on-site WWTP and thus no longer stores it in Tank #4. These measures have been approved by VDEQ.	5/31/2005	7/30/2005 Current extension request to 10/15/05	10/15/05	A,F

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TAB 10.B – ADDENDUM

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
POTENTIAL EXCEPTION								
PE1	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 9 VAC 5-80-1720.A, 1800.B, 1800.C, 1810 and 1830	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	In August 2005 the facility replaced four burners in Boiler No. 2. These changes resulted in an increase of potentional emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	9/20/05	11/19/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,C

INVISTA S.à r.l.
PSD Findings
Voluntary Disclosures for Waynesboro, Virginia
Final Quarterly Report -- January 31, 2006

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 9 VAC 5-80-1720.A, 1800.B, 1800.C, 1810 and 1830	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's ownership, in 1997 the facility installed Lycra polymer and spinning machines. These changes resulted in increases of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
2	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 9 VAC 5-80-1720.A, 1800.B, 1800.C, 1810 and 1830	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's ownership, in 1999 the facility replaced the four burners in Boiler No. 3. These changes resulted in an increase of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

INVISTA S.à r.l.
PSD Findings
Voluntary Disclosures for Waynesboro, Virginia
Final Quarterly Report -- January 31, 2006

TAB 10.C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
3	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 9 VAC 5-80-1720.A, 1800.B, 1800.C, 1810 and 1830	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's ownership, in 2000 the facility replaced the four burners in Boiler No. 1. These changes resulted in an increase of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
POTENTIAL EXCEPTION								
PE1	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 9 VAC 5-80-1720.A, 1800.B, 1800.C, 1810 and 1830	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's ownership, in 2000 the facility converted three spinning machines from four-end to six-end machines. These changes resulted in an increase of emissions above PSD significance thresholds. A PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

INVIS[illegible] S.à r.l.
Trinity Air Emission Inventory Review
Voluntary Disclosures for Waynesboro, Virginia
Final Quarterly Report -- January 31, 2006

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
1	Va. Code Ann. § 5-80-340	Facilities with air emissions of specified chemicals are required to report estimates of covered emissions annually.	The facility's previously filed air emission inventory did not include one substance, hydrogen fluoride, that was required to be reported.[1]	The facility submitted a corrected Air Emission Inventory	11/19/04	1/28/05	11/29/04	D, F

[1]This audit finding arose as part of the implementation of the CAMS.

INVIS[illegible]S.à r.l.
Voluntary Disclosures for LaPorte, Texas
Final Quarterly Report – January 31, 2006

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. 112, Subpart A	The facility must prepare and implement a Spill Prevention Countermeasures and Control (SPCC) Plan in accordance with the procedures set forth in the regulations.	The facility's SPCC Plan was amended in June and August of 2004. The Plan contained 22 categories of deficiencies, including inadequately addressing State reporting requirements for oil spills.	The facility revised its SPCC to address these deficiencies.	8/25/04	10/24/04	10/22/04	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
2	Federal Insecticide, Fungicide and Rodenticide Act § 12(a)(2)(g), 7 U.S.C. § 136j(a)(2)(g).	Federal regulations require one to adhere to labeling requirements for containers of registered pesticides. As part of these labeling requirements, producers must include specific directions concerning the storage of the pesticide container. It is the responsibility of the user to adhere to the directions on the label.	The following deficiencies were noted regarding the storage of registered pesticides that were inconsistent with the labeling instructions: (1) Numerous aerosol cans of bug spray were located within closed flammable storage cabinets in an exterior location by the maintenance shop. This would not be considered storage in a cool place. (2) Numerous ChemTreat C-2188 containers were stored outside near the PTMEG cooling towers, and were not protected from precipitation or run-off. This would not be considered storage in a dry place. (3) The bulk storage tank containing the Dixichlor is located at the THF cooling towers in an exterior location that is not protected from precipitation or sunlight. This would not be considered storage in a cool, dry place away from the sunlight.	(1) The facility moved the bug sprays to inside cabinets that constitute a cool place. (2) The facility consulted the manufacturer about product storage in light of this finding. The facility stores the material in the original container and keeps the lid closed. These containers are water-tight. Despite the facility's belief that this finding is in error and no corrective action is required, as an additional precaution, on 10/22/04 the facility began storing the product in its original containers on a pallet, covered with a tarp. (3) The facility consulted the manufacturer about product storage in light of this finding. The manufacturer agrees that the material is being stored in a cool, dry place away from sunlight. The opaque tank in which the product is stored keeps the product dry and from being exposed to direct sunlight. By keeping the product stored at ambient air conditions the product is kept cool. The manufacturer confirmed that storage in outdoor bulk tanks is standard practice. Therefore, this finding is in error and no corrective action is required.	8/25/04	10/24/04	10/22/04	1. B,F 2. E 3. E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
3	Federal Insecticide, Fungicide and Rodenticide Act § 12(a)(2)(g), 7 U.S.C. § 136j(a)(2)(g).	Federal regulations require one to adhere to labeling requirements for containers of registered pesticides. As part of these labeling requirements, producers must include specific directions concerning the disposal of waste pesticide containers. It is the responsibility of the user to adhere to the directions on the label.	The following deficiencies were noted regarding the disposal of waste pesticide containers that were inconsistent with the labeling instructions: (1) Empty containers of ChemTreat C-2188 are being rinsed at the PTMEG wash down pad and being reused by employees for personal use. (2) According to the label instructions, disposal of aerosol cans of bug spray includes wrapping the container and disposing of the container in the trash. The aerosol cans are being punctured and emptied, and then placed in the scrap metal dumpster for recycling. This is a prohibited method of disposal, as the disposal instructions on the label are not being followed.	(1) The facility held a Team Leader Meeting advising of policy change and that no containers that ever held chemicals may be given to employees. (2) The practice of puncturing aerosol cans is suspended and a new procedure has been adopted that requires disposal in a 55 gallon drum managed as hazardous waste. The above information was also added to the waste management course for employees.	8/25/04	10/24/04	1. 9/26/04 2. 9/20/04	1. B,F 2. B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
4	40 C.F.R. § 156.10(a)(4)(ii)(B)	Federal regulations require bulk storage tanks holding registered pesticides to have a legible copy of the approved pesticide label attached to the tank.	Two bulk storage tanks containing registered pesticides (PTMEG cooling tower tank: 5-chloro-2-methyl-4-isothiazolin-3-one Reg. No. 26172-55-4 and THF cooling tower tank: Sodium Bromide Reg. No. 5185-451-15300) were observed with labels that did not include all of the required information. Information missing includes: (1) The address of the producer, registrant, or person for whom produced; (2) The net contents; (3) The product registration number; (4) The producing establishing number; and (5) All information required in the ingredient statement.	The manufacturer supplied new labels, correcting the deficiencies noted. This deficiency implicates the label provider, not the facility, because the labels themselves were deficient, not the facility's placement of the labels.	8/25/04	10/24/04	9/17/04	E
5	30 T.A.C. § 335.112(a)(8)(adopting by reference 40 C.F.R. Part 265, Subpart I- - Use and Management of Containers); 40 C.F.R. § 265.176	Federal regulations require that all containers holding ignitable waste be located at least 15 meters (50 feet) from the facility's property line.	The <90-day storage area, # 080, located north of THF loading facilities, contains ignitable wastes and is less than 50 feet from the property line fence.	The facility moved all ignitable and reactive wastes to proper storage locations to ensure they are at least 50 feet from the current property boundary.	8/25/04	10/24/04 Extension requested to 1/5/05 per letter dated 10/22/04	1/5/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
6	40 C.F.R. § 262.34(c)(1) 30 T.A.C. § 335.69(d)	Federal and state regulations require satellite accumulation areas to be at or near the point of generation and under the control of the operator in the area generating the waste.	The facility accumulates spent mercury-containing fluorescent bulbs as hazardous waste in seven satellite accumulation areas. These accumulation areas do not meet the definition of satellite accumulation because they are not at or near the point of generation and they are not in control of the operator in the area generating the waste.	The facility changed its Hazardous Waste Program to manage the bulbs as universal waste, not hazardous waste. The facility revised its training program accordingly.	8/25/04	10/24/04	10/20/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
7	40 C.F.R. § 262.34(c); 30 T.A.C. § 335.69	State and federal regulations require hazardous wastes accumulated in satellite accumulation areas to be limited to 55 gallons of hazardous waste or one quart of acutely hazardous waste.	The following deficiencies were observed regarding hazardous waste satellite accumulation areas: (1) The facility has accumulated three 30-gallon containers of TR-12, used PTMEG process filters, and one 55-gallon container of hazardous waste (which could not be identified because the label was illegible) on the wash pad in PTMEG, exceeding the maximum quantity of waste allowable in a satellite area; and (2) The container accumulating waste material from the puncturing of aerosol cans is not labeled properly. It is not marked with the words Hazardous Waste nor with words that identify the contents of the container. Note: The drum accumulating waste material from the puncturing of aerosol cans can be considered part of the aerosol can recycling process and therefore exempt from labeling requirements. This material would become hazardous waste when the drum became full. Or, the drum may be considered satellite accumulation and subject to labeling and other hazardous waste container handling regulations.	(1) The wastes on the wash pad were relabeled and moved to a proper storage location. Affected personnel were trained on a new drum management program. (2) The aerosol can puncture device was removed from service. The facility has a new procedure for aerosols to collect unpunctured spent aerosol cans in a 38 gallon drum. The drum that contains previously drained aerosol container drips has been labeled hazardous waste.	8/25/04	10/24/04	1. 10/13/04 2. 10/6/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
8	30 T.A.C. § 335.112(a)(8) (adopting by reference 40 C.F.R. Part 265, Subpart I – Use and Management of Containers); 40 C.F.R. §§ 265.171 and 265.173	Facilities that accumulate and store hazardous waste must comply with federal regulations 40 CFR 265 Subpart I, Use and Management of Containers related to the condition of the containers, the compatibility of the materials in the containers and the management of the containers.	The following deficiencies were observed regarding management of such containers: (1) Two drums accumulating TR-12 waste on the PTMEG wash pad appeared too have been over pressured – the lids were misshaped and cracked, exposing the contents to the atmosphere; (2) These same containers had waste material spilled on the outside of the drums; (3) A 5-gallon container located on the TR-7 truck loading pad labeled hazardous waste was observed open and not in use; (4) A 2-gallon container accumulating TR-4 waste in the QC lab was open when not adding waste; and (5) The cardboard box accumulating used fluorescent bulbs in the THF Office Building was broken and open.	(1) The lids were replaced. A new lid style is now being used. (2) Spilled material was cleaned off the outside of the drums. (3) A new pail with a lid was commissioned for the TR-7 location, so it can be closed when not in use. (4) The 2 gallon can was closed, and a sign was placed on it warning operators not to leave it open. The procedure was changed to reinforce this point. (5) The cardboard box was repaired.	8/25/04	10/24/04	9/30/04	B,F
9	30 T.A.C. § 335.112(a)(3) (adopting by reference 40 C.F.R. Part 265, Subpart D Contingency Plan and Emergency Procedures, except 40 C.F.R. § 265.56(d)); 40 C.F.R. § 265.52(d)	State and federal regulations require Large Quantity Generators of hazardous waste to have a contingency plan and emergency procedures.	The following deficiencies were found in the facility's contingency plan: (1) The plan has not been reviewed since 2002 and does not reflect the change in ownership; (2) An emergency coordinator, responsible for coordinating all emergency response measures, has not been clearly identified (the manual refers to the Ag Team Leader); and (3) The manual does not list the names, addresses and phone numbers for all personnel qualified to act as emergency coordinator.	The Contingency Plan was revised to address the cited deficiencies.	8/25/04	10/24/04	10/22/04	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
10	30 T.A.C. § 335.112(a)(9) (adopting by reference 40 C.F.R. Part 265, Subpart J – Tank Systems); 40 C.F.R. § 265.195(c)	Federal regulations require that tank systems containing hazardous waste be inspected daily to detect releases of waste. These systems include piping from the tank to the point of shipment for disposal.	The facility does not have documentation showing that it is inspecting the line from the "24-hour" tank to the tank truck loading or to the rail car loading areas.	The facility was conducting the inspections and, although not required, has changed its procedure so that the reading sheet now includes specific reference to this line.	8/25/04	10/24/04	10/8/04	E
11	30 T.A.C. § 335.112(a)(1) (adopting by reference 40 C.F.R. Part 265, Subpart B – General Facility Standards); 40 C.F.R. § 265.16	Federal regulations require certain information associated with hazardous waste training be documented and maintained at the facility.	The facility could not demonstrate that all information required in the "Training Matrix" is being properly maintained. The missing information includes a written job description with requisite skills, education, and other qualifications for all personnel relating to hazardous waste management, as demonstrated by the following deficiencies: (1) Shipping Clerk – Job description adequate, but training requirements inadequate; and (2) Lab Technician – No mention of hazardous waste duties or training requirements.	(1) The facility revised the format of the Training Matrix and updated the Job Descriptions to address the cited deficiencies. (2) Upon INVISTA's ownership, the facility no longer had a job classification of lab technician and instead has used operators to perform such duties. Therefore, a separate training regime is not required because the existing training for operators is sufficient to address their lab duties.	8/31/04	1. 10/30/04 2. N/A	1. 10/13/04 2. N/A	1. D,F 2. E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
12	30 T.A.C. § 335.70(a); 30 T.A.C. § 335.62; 40 C.F.R. § 262.40(c); 40 C.F.R. § 262.11	State and federal regulations require facilities that generate solid waste to determine if the waste is hazardous.	The following waste streams were observed at the Facility, and for which hazardous waste classification status was not available: (1) A solid waste stream of residual material from aerosol cans after puncturing the cans; and (2) The Safety Kleen parts washer near the THF maintenance area has been taken out of service and is awaiting disposition – residual solvent may still be present in the drum.	(1) The facility completed the research on the waste and set up the characterization in the STEERS program. Please note that this relates to historic practices because the facility has ceased puncturing aerosol cans. (2) The facility characterized the residue in the parts washer and properly disposed of it on September 13th. This parts washer was returned to DuPont on September 16th.	8/25/04	10/24/04	1. 10/22/04 2. 9/13/04	B,F
13	30 T.A.C. § 335.69(d); 40 C.F.R. § 262.34(c)(1)	Federal regulations require satellite accumulation areas (SAA) to be at or near the point of generation and under the control of the operator generating the waste. The regulations also prevent the transfer of waste from one satellite container to another satellite container. The EPA interprets the SAA provisions to be available only once.	The PTMEG laboratory personnel transfer the material from two satellite containers in the lab into a 55-gallon satellite container located on the wash pad in PTMEG, which is being treated as a satellite area.	The facility changed the procedure in the lab to ensure the solvents stored in satellite accumulation areas are sent to a 90 day storage area.	8/30/04	10/29/04	10/29/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
14	30 T.A.C. § 335.6.	State regulations require facilities that generate solid waste without a permit to notify the TCEQ of all waste streams no later than 90 days after the waste's initial generation and prior to handling, shipment, or disposal. The notification is made electronically to the TCEQ through the State of Texas Environmental Electronic Reporting System (STEERS), and the information submitted to the state is used to create a Notice of Registration (NOR).	The facility has not submitted information regarding the waste stream created from the puncturing of aerosol cans.	The facility completed the research on the waste and submitted the characterization in the STEERS program.	8/25/04	10/24/04	10/22/04	D,F
15	30 T.A.C. §§ 335.503(b) and 335.10(b)(22)	State regulations require facilities that generate solid waste to provide an eight-digit code number for each waste stream and register the streams with the state. This code number will include a four-digit waste sequence number assigned by the generator. Texas also requires this waste code number to be on the Hazardous Waste Manifest forms.	A discrepancy exists between the waste code number for the TR-7 waste stream in the facility's Notice of Registration (NOR) and on the Hazardous Waste Manifests (NOR – 0912219H, Manifest – 0902219H).	The facility corrected the waste code discrepancy in the computer program so that all future manifests will identify the correct code that matches the NOR. As to any manifest bearing an incorrect waste code identifier, documentation was placed in the file indicating the correct code.	8/30/04	10/29/04	9/30/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
16	40 C.F.R. § 707.60	TSCA requires any person who exports or intends to export a chemical substance or mixture to notify the EPA of such exportation to each Country. The notice must be for the first export or intended export to a particular country.	The Facility intended to export or exported THF (Tetrahydrofuran) to the Netherlands on June 1, 2004; to India on June 16, 2004; to Canada on June 17, 2004; to Korea on July 7, 2004; and to Japan on May 28, 2004 without submitting an export notification to the EPA.	The facility designated and trained two plant TSCA export coordinators to assure that product samples receive proper export notification if they are sent to countries not already notified.	8/25/04	10/24/04	1. 10/8/04 2. 8/27/04	C,F
17	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. §§ 63.144(b) and (c)	Federal regulations require specific records be maintained that demonstrate Group 2 status for wastewater streams regulated by the Hazardous Organic NESHAP (HON).	The facility has designated all wastewater streams in THF, a HON unit, as Group 2 wastewater streams. Documentation of the Group 2 status is deficient as follows: (1) Documentation does not show whether or not sampling was properly conducted (e.g., minimizing VOC loss during sampling); (2) Documentation does not adequately show the basis of process knowledge; (3) Sampling for several sources involved only one sample, when three samples were required; (4) Documentation does not indicate the source of the flow data (measured, estimated, etc.); and (5) Documentation does not adequately indicate if each wastewater stream was characterized at the point of determination.	The Group 2 determinations were made prior to INVISTA's ownership. The facility has undertaken a review of the determinations by conducting a three phased approach. Based on the results from first two quarterly sampling events, limited additional sampling was conducted for sources where there was variation in the results. Upon receiving and evaluating the the results from these additional sampling events, the facility has determined that it has collected enough data to establish Group 2 status and thus preparation of a compliance plan is not necessary.	8/25/04	10/24/04 Extension requested until 8/31/05 to complete Phases per letter dated 10/22/04 (and request for clarification by letter dated 3/23/05)	Phase I: completed 12/1/04 Phase II: completed 8/25/05 Phase III: not necessary based on Phase II results	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
18	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. § 63.152(c)	Federal regulations require submittal of semi-annual reports for sources subject to the HON.	The HON report for Sep 19, 2003 – Mar 19, 2004, due May 18, 2004, was submitted on May 20, 2004.	The facility previously utilized a mailing service that temporarily misplaced the report and sent it via overnight courier after the deadline. The facility no longer uses this service and will mail reports itself.	8/25/04	10/24/04	9/17/04	C
19	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. § 63.104(b)(3), (5)	Federal regulations applicable to HON units require sampling of recirculating cooling water systems and calculation of the average entrance and exit concentrations, accounting for any introduction of make-up water or any evaporative losses.	The following deficiency was noted regarding the cooling tower sampling for THF: The facility did not calculate the average entrance and exit concentrations for sampling events in the 2nd quarter of 2004.	Calculation of the inlet and outlet average concentrations was performed for the referenced test results. The facility will show calculations going forward.	8/25/04	10/24/04	9/5/04	B,F
20	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic HAPs for Equipment Leaks); 40 C.F.R. § 63.181(c)	Federal regulations require the facility to maintain reports of weekly visual inspection of pumps in light liquid service that are part of a facility subject to Subparts F, G and H (HON MACT) and PPP (Polyols MACT) for two years.	The following deficiency was noted regarding the visual inspection of 38 THF pumps and 10 PTMEG pumps: The facility relies on daily checklists to document inspection of the pumps, but not all THF checklists are maintained for a minimum of 2 years.	The facility trained operations personnel responsible for keeping records that the field checklists for leak checking must be kept for two years.	8/31/04	10/30/04	10/9/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
21	40 C.F.R. § 63.132(g)	Federal regulations require facilities that transfer a HON/Polyols Group 1 waste stream off-site for treatment to notify the transferee that the waste stream must be treated in accordance with the HON requirements.	The facility has been discharging a Group 1 waste stream to DuPont for treatment in DuPont's wastewater treatment plan since May 1, 2004. While DuPont may be aware of this waste stream, documentation is not available to demonstrate that this notification has been made. Transfer of the waste stream is not allowed until notification has been made to the transferee and the transferee has submitted a notification to EPA certifying that it will manage and treat the waste stream in accordance with the HON requirements.	The facility obtained a letter from DuPont confirming that it is accepting the treatment responsibilities.	9/1/04	10/31/04	9/13/04	C
22	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 C.F.R. §§ 63.168(i)(3) and 63.181(b)(7)(ii)	Federal regulations allow for a facility subject to leak detection and repair (LDAR) requirements under the HON and Polyols MACT standards to designate valves as difficult to monitor (DTM), allowing for reduced monitoring frequency, provided certain conditions are met.	The following deficiencies were noted regarding the DTM designations in the THF and PTMEG process units: (1) The facility does not have a written plan for monitoring the valves at least once per calendar year; and (2) The facility has a list of DTMs, but the list does not include the reason each piece is designated as DTM, and the planned schedule for monitoring each piece of equipment.	The facility has modified its DTM list to specifically include a plan to monitor the DTMs at least once per year and provide the reason each piece is designated DTM.	9/1/04	10/31/04	9/7/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
23	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A – General Provisions); 40 C.F.R. § 63.10(b)(3)	Federal regulations require signed documentation of applicability determination for MACT standards that do not apply based on potential to emit limitations or exclusions.	The facility falls into the Organic Liquids Distribution (Subpart EEEE) and Miscellaneous Organic NESHAP (Subpart FFFF) source categories, but has determined that it is exempt from both subparts based on the fact that all potentially subject equipment is regulated by either the HON or Polyols MACT standard. The facility has not created a signed document that details the applicability analysis for Subparts EEEE and FFFF.	The facility prepared the required documentation.	9/1/04	10/31/04	10/31/04	D,F
24	40 C.F.R. §§ 60.665(l) and 60.705(l)	Federal regulations regarding New Source Performance Standards require the submittal of Periodic Reports every 6 months from the start-up date of each unit subject to a NSPS standard.	The facility currently submits semi-annual Periodic Reports for reactors (RRR) and distillation columns (NNN) in the THF and PTMEG units. The following deficiencies with the semi-annual reports were noted: (1) The August 2004 report covers February – July 2004, while the February 2004 report covers July 19, 2003 – January 19, 2004, thus omitting 12 days from reporting (January 20-31, 2004); and (2) The actual due date of the reports is unknown, and there is no documentation that alignment of NSPS submittal dates was approved. Therefore, timely submittal cannot be determined.	(1) The facility submitted a corrected report to TCEQ on 10/29/04, although it covers a time period during which INVISTA did not own or operate the facility. (2) The facility has and continues to submit semi-annual reports w/in 30 days of the prior six month reporting period. Thus, there is no violation.	8/30/04	10/29/04	1. 10/29/04 2. N/A	1. D,F 2. E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
25	40 C.F.R. §§ 60.704, 60.705(f), and 60.8	Federal regulations require facilities to comply with Subpart RRR standards for reactors constructed or modified after June 29, 1990, including initial performance testing and continuous monitoring.	The Step II reactors, which vent to the degasser, are Subpart RRR sources. The facility opted to comply with the Subpart RRR standard by maintaining a TRE value greater than 1.0. This option requires installation of a temperature monitor and recorder that continuously records the vent condenser exit temperature of the vent gas stream, and recording of all 3-hour temperature values in which the temperature rises greater than 11 deg. F above the temperature established in the performance test. The following deficiencies regarding compliance with Subpart RRR were noted: (1) An initial performance test establishing an acceptable exit temperature range for the vent gas stream has not been conducted; and (2) The facility does not track 3-hour average exit temperature values.	The facility determined that this finding is in error because the Step II reactors were constructed prior to the NSPS trigger date and have not been subsequently modified or reconstructed.	9/1/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
26	40 C.F.R. 68.79	Federal regulations require the facility to conduct a compliance audit that verifies the facility's compliance with the RMP Program 3 Prevention Program requirements, and to certify that compliance has been evaluated.	The facility last completed an audit of the Step 1 process in 2002. The following deficiencies were noted: (1) Written certification that compliance with all elements of the Program 3 Prevention Program was verified in 2002 was not found; and (2) The audit appears to focus on review of the Process Hazard Assessment, which is just one of twelve elements of a Program 3 Prevention Program. (3) The recently submitted RMP did not contain a date for the most recently conducted compliance audit. The date of this audit was listed in the RMP as the date of the most recent PHA.	(1) This finding relates to a DuPont Certification requirement prior to INVISTA's ownership. The facility conducted a PSM audit in the first quarter of 2005. (2) The facility has obtained from DuPont a response identifying the PSM audit in 2002 as the RMP audit in compliance with all elements of the Program 3 Prevention Program. (3) The facility re-submitted the RMP with the corrected information to include the dates of the audit.	9/1/04	1. N/A 2. 10/31/04 3. 10/31/04	1. N/A 2. 10/4/04 3. 10/31/04	1. E 2.E 3. D,F
27	30 T.A.C. § 101.10	State air regulations require that reported emissions must include annual routine emissions, excess emissions occurring during maintenance activities, including start ups and shut downs; and emissions resulting from upset conditions.	A review of the PTMEG unit devices in the 2003 annual emission inventory report revealed the Emissions from device TR-30 – Filter Aid Addition – were incorrectly categorized as VOC emissions instead of PM10 emissions.	This finding applies to a period of time prior to INVISTA's ownership. However, INVISTA submitted the emissions inventory at issue because it was the operator at the time the emissions inventory was due. The facility recalculated the emissions and prepared a revised emissions inventory. The facility sought an extension to allow for other emission inventory modifications to be consolidated into one submittal to TCEQ. The facility re-submitted its 2003 annual emissions inventory on 10/31/04.	8/26/04	10/25/04 Extension requested to 11/30/04 per letter dated 10/22/04	10/31/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
28	30 T.A.C. § 101.10(e)	The Emissions Inventory shall contain emissions data from the previous calendar year and shall be due on March 31 of each year or as directed by the commission. The commission gave the facility an extension until August 25, 2004, due to the change of ownership issues.	The annual emission inventory report was due to be submitted by August 25, 2004. The report was postmarked on August 25, 2004 and submitted to the TCEQ on August 26, 2004.	The facility personnel indicated that they contacted the TCEQ on August 25, 2004 and were told that a postmark was acceptable. The facility has changed is procedure to ensure this report is received by the clerk by the deadline.	8/26/04	10/25/04	10/21/04	E
29	30 T.A.C. § 101.10	State regulations require that reported emissions must include annual routine emissions, excess emissions occurring during maintenance activities, including start ups and shut downs; and emissions resulting from upset conditions.	The following deficiencies and/or discrepancies were noted regarding emission reporting for the THF manufacturing process: (1) PM10 Emissions for cooling towers (TF-29) was incorrectly calculated low (0.001 tpy rather than 2.5 tpy) due to the incorrect use of the AP-42 emission factors; and (2) PM10 emissions from the off-gas flare were quantified as 0.00 tpy without reference to any emission factor, rather than calculating emissions utilizing, at a minimum, PM10 emission factors for combustion of natural gas.	The facility revised the emissions inventory to correct the PM10 calculations.	8/30/04	10/29/04 Extension requested to 11/30/04 per letter dated 10/22/04	10/31/04	1. D,F 2. E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
30	40 C.F.R. 82.156(i)	For industrial process refrigeration equipment where the annualized leak rate exceeds 35%, federal regulations require initial verification tests be conducted upon completion of repairs and follow-up verification tests be conducted within 30 days of completion of repairs.	The facility did not meet the requirements for demonstrating compliance with leak rates and for conducting initial and follow-up verification tests as demonstrated by the following examples: (1) Leak rate calculations are not documented for the THF BDO, THF BDO Chiller, or THF Comfort Cooling units; (2) Upon review of the PTMEG records, it appears that the facility is not basing their leak rate calculation on the correct number of days between charging. For example, the entry for April 23, 2003 shows 104 days since the last refrigeration charge; the entry should have been 23 days. It appears the facility is erroneously classifying refrigerant charging events as "repair-based" versus "topping off". The facility has not (and likely cannot) definitively documented that a unit has not leaked between the time frame that a repair based charge occurs and a topping-off charge occurs, and therefore must count the most recent charging event when calculating leak rates. The facility's method causes the calculated leak rates to be artificially low.	These events pre date INVISTA ownership but INVISTA has modified the facility's procedures. Nonetheless, the facility assigned a new Contract Coordinator to be responsible for overseeing each entry made in the Refrigeration notebooks. While monthly visual inspections were being conducted, they were not typically recorded. They now will be entered into the notebook overseen by the Contract Coordinator to track the 30 day follow up testing requirements. No follow-up verification test is required for the THF Comfort Cooling units because this requirement is not applicable to comfort cooling units.	8/31/04	10/30/04	10/11/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
31	30 T.A.C. § 116.110(a)	State regulations require facilities to obtain NSR permits or permits by rule for all sources of air contaminants that are not specifically exempted.	The following deficiencies were noted regard NSR/PBR permitting: (1) The facility did not satisfy the requirements for a PBR or include the source in the NSR Permit No. 2925, for hydroxlamine emissions from the Step II catalyst degassing process; and (2) Based upon review of file notes/records, the facility did not obtain a PBR or NSR Permit modification for a "16%" BDO production increase in July 1995.	(1) The facility will include these maintenance-related emissions under its existing PBR 106.263 and update its emissions inventory along with the other emissions inventory revisions. (2) The facility determined that no violation exists because PBRs executed under 106.261 prior to December 24, 1998 did not need to be registered with the TCEQ.	9/1/04	1. 10/31/04 2. N/A	1. 10/31/04 2. N/A	1. A,F 2. E
32	30 T.A.C. §§ 111.143 and 122.132	State regulations require facilities to include all applicable requirements in Title V and NSR permit applications.	The THF unit's Title V permit application and Draft Permit indicate that 30 TAC 111.143 (allowable emission limits for material handling) is not an applicable requirement. The following regulated PM sources exist within the THF operations: THF cooling tower, BHT handling, spend catalyst handling, and the THF flare.	The facility determined that this finding is in error as 30 T.A.C. § 111.143 is not applicable to the La Porte Plant. 30 T.A.C. § 111.141 provides that "§ 111.143 . . . shall apply to the following areas: the City of El Paso, including the Fort Bliss Military Reservation except for . . . ; that portion of Harris County inside the loop formed by Beltway 8; and that area of Nueces County . . ." Although the La Porte plant is located in Harris County, it is not located inside the loop formed by Beltway 8. Therefore, the La Porte Plant is not located in any of the areas to which § 111.143 applies.	9/1/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
33	30 T.A.C. § 116.116(b)(1)(A); TCEQ Air Permit No. 2925	State regulations require a facility to amend a permit whenever the permit varies from any representation that would cause a change in the method of control of emissions; a change in the character of the emissions; or an increase in the emission rate of any air contaminant.	Emission estimates for permitting and reporting are based upon vent condensers functioning as control devices. Based upon interviews conducted, vent condensers are not an integral part of the process operation and were originally installed for emission control; however the facility now relies on scrubbers for emission control. The permit has not been amended to reflect this change in emission controls.	This finding is in error because, upon further review, it was confirmed that the facility has and continues to rely on both the condensers and scrubbers for emissions control as stated in the permit.	9/1/04	N/A	N/A	E
34	40 C.F.R. §§ 68.160(b)(11), 65.175(k) and 68.180(c)	Federal regulations require the submittal of a complete RMP every 5 years, including listing other Federal or state emergency plan requirements to which the source is subject.	The facility recently submitted an updated RMP on June 18, 2004. On July 30, 2004, the facility received a Notification Letter from EPA that the RMP is incomplete. Specifically, the letter stated the Horizontal Accuracy Measure field was not completed. The facility has not resubmitted a corrected RMP. In addition, the following deficiencies were noted in review of the RMP during the audit: (1) The RMP does not state whether or not the facility is subject to 40 CFR Part 355; (2) The RMP does not include the date of the most recent compliance audit; and (3) The RMP states that the facility is not subject to the emergency planning requirements of RCRA when, in fact the facility is subject to the RCRA contingency plan requirements.	(1) Item one is an incorrect finding because the form cites to EPCRA §302, under which 40 C.F.R. §355 is promulgated and therefore is included. (2) The facility submitted a revised RMP by 10/31. (3) The facility submitted a revised RMP by 10/31 that states that it is subject to RCRA Contingency Plan requirements.	9/1/04	1. N/A 2. 10/31/04 3. 10/31/04	1. N/A 2. 10/31/04 3. 10/31/04	1. E 2. C 3. C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
35	TCEQ Air Permit No. 2925, Special Condition No. 8.A.	NSR Permit No. 2925 requires the facility to maintain a list of the following equipment: 1) equipment that does not contain VOC with an aggregate partial pressure or vapor pressure of at least 0.044 at 68 deg. F, and 2) equipment with operating pressures at least 0.725 psi below ambient pressure.	The facility does not maintain a list of this equipment in the THF process area.	The facility prepared the list of equipment and maintains that list on site.	9/1/04	10/31/04 Extension requested to 1/05/05 per letter dated 10/22/04	1/5/05	D,F
35.1	TCEQ Air Permit No. 28315, Special Condition No. 8.A.	NSR Permit No. 28315 requires the facility to maintain a list of the following equipment: 1) equipment that does not contain VOC with an aggregate partial pressure or vapor pressure of at least 0.044 at 68 deg. F, and 2) equipment with operating pressures at least 0.725 psi below ambient pressure.	The facility does not maintain a list of this equipment in the PTMEG process area.	The facility prepared the list of equipment and maintains that list on site.	10/20	12/19/04 Extension requested to 1/05/05 per letter dated 10/22/04	1/5/05	D,F
36	TCEQ Air Permit No. 28315, Condition 6; 30 T.A.C. § 116.115 (b)(1)(D)	The permit holder shall demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the Executive Director prior to their use in fulfilling any requirements of the permit.	Original PTMEG permit calculations were based on an assumption of a 98% VOC destruction efficiency from the flare. These calculations were revised and allowable emissions reduced by changing this assumption to a flare with 99% destruction efficiency. Agency personnel are believed to have authorized the change in 1996, but documentation to that effect could not be located during the time of this audit. All emission calculations and compliance determinations with annual emission limits are based on the 99% assumption.	The facility located the documentation from TCEQ approving the flare efficiency change to 99% dated March 3, 1995 and filed it in its permit file.	8/26/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
37	TCEQ Air Permit No. 2925, Special Condition No. 9.D	The Plant shall operate at maximum production rates during stack emissions. Primary operating parameters that enable determination of production rate shall be monitoring and recorded during the stack test.	The following deficiencies and/or discrepancies were noted regarding source testing of the TF-02C (TF-05) and TF-10C (TF-08) scrubbers: (1) Records were not sufficient to demonstrate that source tests conducted on both scrubbers in March 1995 were conducted at maximum production as required by permit conditions; and (2) The scrubbers were not retested following a 16.7% production increase in July 1995. Observation: Information reviewed indicates that the increased flow rate to the TF-02C scrubber was not reflected in the renewal application for the THF NSR Air Permit No. 2925.	(1) The facility determined that this finding is in error because the permit does not automatically require retesting of the scrubbers, but rather, gives TCEQ the discretion to request an additional test or impose limits consistent with the original test, neither of which have occurred. The original tests for TF-02C and TF-10C were observed by Mr. Michael Beauchamp of TNRCC on March 14th and 15th, 1995, respectively. (2) As noted in the prior finding, the production increase was authorized under PBR 106.261 and the facility permit condition does not require retesting unless requested by the TCEQ. Thus, no violation exists.	9/1/04	1. N/A 2. N/A	1. N/A 2. N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
38	30 T.A.C. Chapter 290, Subchapters D and F	State regulations require Public Water Systems to comply with the safe drinking water standards including monitoring and reporting requirements.	The facility reported there are point-of-use treatment devices that are used on fountains or sinks, and the facility operates a water distribution system. The facility meets the definition of a non-community, non-transient, public water system (point-of-use treatment devices and distribution system) and does not comply with the requirements of the state's drinking water standards to implement a drinking water program. Requirements for a drinking water program include, but are not limited to, elements such as the following: (1) Monitoring of inorganic, organic, and microbial contaminants, total organic carbon, disinfection byproducts, lead & copper, secondary constituents; (2) Monitoring of disinfectant system performance; and (3) Maintenance of a chemical microbial monitoring plan.	INVISTA sought an extension for this finding. While INVISTA does not believe it is subject to the requirements because it does not meet the definition of a water treatment or distribution system, per INVISTA's request, DuPont modified the Service Level Agreement (SLA) on 10/25/04 to ensure that the water supplier and water user have formally agreed to meet all requirements for a facility to be exempt from regulation as a PWS.	8/26/04	10/25/04	10/25/04	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
39	30 T.A.C. §§ 285.36 and 285.39	State On-Site Sewage Disposal Facility (OSSF) regulations specify that sewage holding tanks must be properly maintained, and abandoned upon cessation of use.	The facility has six septic tanks that are currently connected to DuPont's sanitary sewage pipeline. These tanks were presumably part of an On-Site Septic Disposal Facility, which was previously abandoned. The tanks were not properly abandoned (removed from service, emptied, and filled to ground level) or are not being properly maintained. INVISTA personnel indicated that there have been instances in the past where the tanks have overflowed due to a buildup of solids, and caused the ground around the tanks to become soggy.	Upon further review, the facility determined that the tanks are not and were not abandoned because they have continued to be used for conveying wastewater. Furthermore they are not subject to 30 T.A.C. §285 closure/abandonment or maintenance requirements because they are no longer part of an on-site sewage disposal facility and are now part of the sanitary waste water collection flow to DuPont's TCEQ regulated treatment system. Therefore, the finding is in error and no corrective action is required.	8/26/04	N/A	N/A	E
40	Tex. Water Code § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4	State regulations require TDPES permitting of discharges to waters of the state, which includes groundwater, percolating or otherwise, in the State of Texas.	The facility discharges cooling tower wastewater and process steam condensate to the ground without a TPDES permit.	(1) To address waste water deficiencies, the facility repaired the leaks on the line from cooling tower and eliminated the splashing-related discharges from the cooling tower basin. To address the steam condensate deficiencies, the facility re-routed the steam traps to acceptable discharge locations. (2) The SWPPP was updated to mention the need to assure no leaks from cooling towers to the ground.	8/31/04	10/30/04	1. 9/15/04 2. 10/29/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
41	TPDES General Permit No. TXR050000, Part II, Section C.3	A storm water pollution prevention plan must be developed according to the requirements of this permit before an NOI for permit coverage is submitted. The plan must be developed according to the requirements of Part III of this general permit, include all sector-specific requirements of Part V, and be signed according to requirements of Part III.E.3.(g) of this general permit.	Coverage under the Texas General Permit for storm water discharges associated with industrial activities requires the development and implementation of a Storm Water Pollution Prevention Plan (SWP3). The facility submitted a Notice of Intent for coverage under this permit. The facility's SWP3 and implementation has numerous deficiencies.	The facility revised its SWPPP to address the deficiencies.	9/1/04	10/31/04	10/31/04	A,F
42	40 C.F.R. 61.357	Federal regulations require chemical manufacturing plants to determine the total annual benzene (TAB) for all waste streams that are greater than 10% water, and submit an updated TAB report on an annual basis.	The facility discovered benzene in the methanol column overhead stream of the THF unit that is estimated to give the facility a TAB of between 1 and 10 Mg/yr, requiring an initial and annual TAB report. The initial TAB report has not been submitted.[A] Observation - Records were not sufficient to demonstrate that the facility submitted the initial report, due April 7, 1993. Note: During the audit, data from 1997 was reviewed that indicated benzene content in the Azeo bottom waste stream. This has not been included in the facility's recent work regarding the TAB.	The initial notification requirement applied to the former owner in 1993. The facility undertook sampling to confirm the facility's TAB. As noted in the 11/9/04 and 12/15/04 letters, INVISTA originally sought an extension until 2/15/05 to complete the stream I.D. process and 4/15/05 to develop a compliance plan. On 4/07/05, the facility submitted the required annual TAB report. The TAB analysis and the submittal of the TAB report constitutes closure of this audit item.	7/6/04	Extended to 4/15/05	4/7/05	E

A. This finding arose as part of the implementation of the Compliance Assurance Management System ("CAMS") and was provided to the auditor during the audit

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
			POTENIAL EXCEPTIONS					
1	Federal Insecticide, Fungicide and Rodenticide Act § 12(a)(2)(g), 7 U.S.C. § 136j(a)(2)(g); TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 355.4	According to label instructions, the effluent from rinsing a ChemTreat C-2188 container cannot be discharged to lakes, ponds, rivers, or other waters of the state without coverage under a NPDES permit. If the effluent is to be discharged to a sewer system, the operator of that sewer system must be notified of the pesticide discharge.	The containers are being rinsed at the PTMEG wash down pad, which discharges to DuPont's treatment system. DuPont must be notified of the pesticide effluent in the waste water from the wash down pad. Also, empty containers of C-2188 are placed on the concrete pad at the PTMEG cooling tower treatment tanks. The drain from this pad flows to the clean water ditch, if not diverted to the wastewater treatment system. If precipitation occurs while an open C-2188 container is stored within this pad area, the effluent may flow to the clean water ditch. DuPont holds the NPDES storm water discharge permit, and must be notified of the pesticide effluent discharge so that it is addressed in the permit.	Upon further review, the facility determined that this finding is in error. Pursuant to the SLA Agreement between INVISTA and DuPont, DuPont has agreed to accept wastewater from INVISTA provided that the wastewater streams (i) were being discharged at the time the agreement was entered into and (ii) do not contain constituents, concentrations or loadings different than the wastewater discharged prior to December 31, 2002. Because the ChemTreat C-2188 containers and the related wastewater streams existed prior to December 31, 2002, they are covered by the Agreement and additional notification to DuPont is not required.	8/25/04	N/A	N/A	E
2	40 C.F.R. § 70.2	Federal regulations require a Responsible Official to sign certain permits and compliance certifications.	Signature authority for the facility was delegated to the plant manager on April 28, 2004, for environmental programs, by Arteva Specialties S.à r.l. It is unclear whether or not this delegation of authority is valid now that the facility operates under the name INVISTA S.à r.l. Note: This issue is present across all topic areas, not just air permitting.	The facility determined that the delegation of authority is valid under Delaware and Texas corporate law.	8/25/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
3	30 T.A.C. § 116.115(b)(2)(F); TCEQ Air Permit No. 28315, Condition 8	The total emissions of air contaminants from any of the sources of emissions listed in the table entitled "Emission Sources – Maximum Allowable Emission Rates" shall not exceed the values stated on the table attached to the permit.	The facility does not document or evaluate hourly emissions to ensure compliance with the MAER table limits.	The facility assures compliance with the permit limits by a combination of administrative controls, such as established standard operating conditions, set at worst case conditions, interlocks, physical equipment limitations, and a group of monitored variables such as water flow to scrubbers so that compliance with permit conditions is conservatively achieved.	8/26/04	N/A	N/A	E
4	30 T.A.C. § 101.10	State regulations require that reported emissions must include annual routine emissions, excess emissions occurring during maintenance activities, including start ups and shut downs; and emissions resulting from upset conditions.	A review of the PTMEG unit devices in the 2003 annual emission inventory report revealed that CO emissions from the PTMEG flare may have been under-reported in the 2003 annual emission inventory report. 5.8 tons was reported (or 1.32 pounds per hour), while internal calculations used for permitting the flare indicate that total CO emissions from this equipment may be up to 21 pounds per hour.	The facility recalculated the 2003 CO emissions and determined that the actual emissions were not under reported.	8/26/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
5	30 T.A.C. §116.116 (b)(1)	Except as allowed, the permit holder shall not vary from any representation or permit condition without obtaining a permit amendment if the change will cause: (A) a change in the method of control of emissions; (B) a change in the character of the emissions; or (C) an increase in the emission rate of any air contaminant.	Since the original PTMEG NSR permit was issued in 1996, facility personnel have requested three permit amendments for production increases to the unit. The resulting increase in production has resulted in an increased use of filtering aid media (formerly Celite, now rice hull ash). The original permit application for this equipment indicated that 0.07 tons per year of Celite would be used. Facility personnel used approximately 150 tons of the rice hull ash in 2003. Potential PM emissions could increase with the additional unloading and storage of this material. Facility personnel indicated in their permit applications that there were no changes or increases of PM emissions from these permitting actions, and the replacement of diatomaceous earth (Celite) with rice hull ash as a filtering aid was not disclosed to the agency.	The facility reviewed the finding and concluded that the 0.137 ton increase in annual PM emissions is authorized by PBRs previously submitted by the facility. The consultant also clarified that, contrary to the audit finding, the 0.07 tons per year figure cited by the auditor is the PM emission rate, not the Celite usage rate.	8/26/04	N/A	N/A	E
6	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 C.F.R. §§ 63.181(f) and 63.165	Federal regulations require pressure relief valves be returned to non-leak status (below 500 ppm) within 5 days of return to service for pressure relief valves that vent to the atmosphere.	The THF process unit has pressure relief valves that vent to the atmosphere. Documentation was not available to demonstrate that the PRVs are monitored by Method 21 within 5 days of return to service.	The facility modified its procedures and conducted necessary training to make sure that both the federal 5-day monitoring and the State 24-hour testing requirements are met.	9/1/04	10/31/04	10/29/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
6.1	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 C.F.R. §§ 63.181(f) and 63.165	Federal regulations require pressure relief valves be returned to non-leak status (below 500 ppm) within 5 days of return to service for pressure relief valves that vent to the atmosphere. Federal regulations also require that records be kept of the dates and results of monitoring following a pressure release and that the facility report releases when they exceed certain amounts.	The facility does not have a system to track whether the THF process unit has a pressure release that vents to the atmosphere.	Upon further review, on 12/19/04, the facility determined that this is not an exception. The facility is able to monitor whether any non-exempt THF pressure relief valve vents to the atmosphere. Regulated components (those that are activated by a pressure of greater than 2.5 psig) are interlock protected, and the process is shut-down if a venting event occurs. Therefore, the facility is aware of venting events.	10/20/04	12/19/04	12/19/04	B,F
EXCEPTIONS SELF-IDENTIFIED TO THE AUDITOR ARISING OUT OF THE AUDIT								
1	30 T.A.C. § 116.110(a)	Before any actual work is begun on the facility, any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this state shall either obtain an air permit or permit by rule (PBR).	The following deficiency and/or discrepancy was noted regarding air permitting associated with the THF unit: The facility did not obtain an air permit or establish a PBR for load-out of material from the 24-hour tank, for which activities initiated in year 2002 and are ongoing.	The facility filed a PBR with TCEQ for the 24-hour tank on 8/31/04.	7/26/04	9/24/04	8/31/04	A,F
1.1	30 T.A.C. § 106.8(c)	Owners or operators of facilities authorized under a PBR must retain records sufficient to demonstrate compliance with PBR requirements.	While the facility substantively meets the PBR requirements, the facility's supporting documentation is incomplete for the following activities: (1) the addition of valves and flanges to the back of the THF process in April 1995; (2) the addition of an automatic bypass system on the hydrogenerator in circa 1999.	These issues arose prior to INVISTA's ownership of the facility. The facility updated its PBR documentation to demonstrate compliance.	10/22/04	12/21/04	12/21/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
2	30 T.A.C. §§ 106.261(a), 106.264(7) and 116.110	Before any actual work is begun on the facility, any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this state shall either obtain an air permit or permit by rule (PBR).	The following process change was exempted from permitting pursuant to various PBRs, but without the required agency notification: Facility personnel replaced four Busch Cobra Vacuum pumps in the PTMEG unit with new vacuum pumps.	This issue arose prior to INVISTA's ownership of the facility. The facility submitted the necessary PBR registration on 10/29/04.	8/26/04	10/25/04	10/29/04	D,F
2.1	30 T.A.C. § 106.8(c)	Owners or operators of facilities authorized under a PBR must retain records sufficient to demonstrate compliance with PBR requirements.	While the facility substantively meets the PBR requirements, the facility's supporting documentation is incomplete for the following activities: (1) the 1997 recovery and off-site shipment of PTMEA inventory; (2) the January 1998 increase as natural gas low to the PTMEG flare.	These issues arose prior to INVISTA's ownership of the facility. The facility updated its PBR documentation to demonstrate compliance.	10/22/04	12/21/04	12/21/04	D,F

INVISTA S.à r.l.
Focused Benzene NESHAP Audit
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Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
1	40 C.F.R §§ 61.357(a) and (c)	This section of the rule requires the owner of each subject facility to submit an initial report to the Administrator within 90 days of 1/7/1993 summarizing the regulatory status of each waste stream subject to the rule and an annual report updating this information.	DuPont submitted an initial report in 1993 stating that no benzene is present, and therefore plant is not subject to rule. The report was either incorrect, or characteristics of feed streams changed since 1993. No records are available to indicate that the process or feeds have changed recently; therefore, the auditor's conclusion is that subject waste streams have existed either since the rule became effective or at least a year or more; therefore, the plant is deficient in the requirement to have filed initial and annual reports identifying the subject waste streams and the total annual benzene (TAB) in these streams.	The failure to file an initial report in 1993 is a past deficiency. The facility undertook sampling to confirm the facility's TAB. INVISTA originally sought an extension until 2/15/05 to complete the stream I.D. process and 4/15/05 to develop a compliance plan. The facility has completed this stream identification process and on 4/07/05, the facility submitted the required annual TAB report. The TAB analysis and the submittal of the TAB report constitutes closure of this audit item.	11/16/04	Extended to 4/15/05	4/7/05	A,F
2	40 C.F.R §§ 61.356(a), (b) and (c)	**Previously Identified in part (See TAB 3.A; No. 42).** Recordkeeping provisions of benzene waste NESHAP rule require facilities to maintain the following records for 2 years from date information is recorded: identify each waste stream and whether it is controlled for benzene, characteristics of each waste stream, information concerning turnaround wastes, and records of offsite waste shipment.	Total annual benzene (TAB) is less than 10 Mg/yr; therefore, the plant is exempt from control requirements of rule, including recordkeeping requirements related to control. The facility must only keep records identifying benzene waste streams and quantities, characteristics, and benzene quantity calculations for each stream. Four subject streams have been included in the TAB report to date, and records are available for these streams. A fifth stream, Azeo Column bottoms, needs to be added. The facility is testing other streams to confirm benzene is not present. If benzene is found in any streams, TAB records will require updating. Records should also include documentation identified in § 61.356(b)(5) for benzene in wastes from turnaround activities, but were not available.	The facility undertook sampling to confirm the facility's TAB. The facility will maintain records for 2 years, per the rule. As noted in the 12/15/04 letter, INVISTA originally sought an extension until 2/15/05 to complete the stream I.D. process and 4/15/05 to develop a compliance plan. The facility completed this stream identification process and on 4/07/05, the facility submitted the required annual TAB report. The TAB analysis and the submittal of the TAB report constitutes closure of this audit item.	11/16/04	Extended to 4/15/05	4/7/05	D,F

INVISTA S.à r.l.
Focused Emission Releases Audit
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Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
Exception								
1	40 CFR § 268.7(a)(3)	Initial shipments of hazardous wastes that are subject to the land disposal restrictions must include proper Hazardous Waste Codes on land disposal restriction (LDR) notification forms.	The facility did not include the proper hazardous waste classification (DO18) on the LDR notification form accompanying a shipment of hazardous waste to a cement kiln.	The facility corrected the waste characterization form, manifest, land disposal form and STEERS waste profile and has communicated with disposers to assure complete communication of newly recognized toxicity characteristic.	11/17/04	1/16/05	12/29/04	D,F
Potential Exception								
1	30 TAC § 335.2 40 CFR § 264.1	A hazardous waste permit is required for surface impoundments that manage hazardous waste.	A process stream from the caustic treatment tank contains benzene concentrations between 1.4 and 50.4 mg/l. This stream is commingled with other process streams prior to discharging into a surface impoundment that is part of the facility's wastewater treatment system. Calculations provided by Invista indicate that the commingled stream contains an average benzene level of 0.28 mg/l but concentration variations may result in intermittent flows above the benzene toxicity characteristic (D018) of 0.5 mg/l. The facility does not have a hazardous waste permit for the surface impoundment. In addition, the RCRA land disposal restrictions would prohibit the impoundment from managing hazardous wastes.	Calculations indicated 0.28 ppm benzene based on annualized process water flows. The facility sampled the stream on 12/28/04. Sampling results showed that the influent to the pond is below the detection limit for benzene (0.1mg/l). Therefore, no hazardous waste permit is needed. On 1/16/05, the facility determined that this is not an exception.	11/17/04	1/16/05	01/16/05	E

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. §§ 60.7(a)(1) and (3), 60.705(a) and 60.705(l)(3)	Each owner or operator of a reactor process subject to § 60.702 shall notify the Administrator of the specific provisions of § 60.702 with which the owner or operator has elected to comply. Such notification must be submitted with the notification of initial start-up required by § 60.7(a)(3). Additionally, the owner or operator that seeks to comply with the requirements of 40 CFR Part 60, Subpart RRR by, pursuant to § 60.702(b), combusting the emissions from the reactor in a flare that meets the requirements of § 60.18 shall submit to the Administrator semiannual reports of all periods recorded under § 60.705(f) in which the pilot flame of the flare was absent.	The Poly Reactor may be subject to the requirements of 40 C.F.R. Subpart RRR but, historically, has not been viewed as subject based on the prior owner's conclusion that it is not part of a process unit that produces a chemical listed in § 60.707. As a result, although TOC emissions from the reactor are controlled by a flare, the initial notifications required by §§ 60.7(a) and 60.705(a) were not provided for the Poly Reactor and it has not been addressed in the facility's Subpart RRR semiannual reports.	The Poly Reactor was included in the NSPS Subpart RRR semiannual report submitted on February 18, 2005. Additionally, the facility submitted an applicability determination request to TCEQ on 7/26/05 to confirm whether the Poly Reactor is in fact subject to NSPS Subpart RRR. TCEQ confirmed by letter dated 10/11/05 that the Poly Reactor is not subject to NSPS Subpart RRR.	1/24/05	3/25/05	2/18/05 (RRR); 10/11/05 (TCEQ concurrence that NSPS RRR does not apply)	E

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
2	40 C.F.R. §§ 60.7(a)(1) and (3) and 60.705(l)(1) and (6)	Any owner or operator subject to NSPS shall furnish to the Administrator written notice of the date construction of an affected facility commenced and notification of the actual date of initial startup. Additionally, the owner or operator of a reactor that seeks to comply with the requirements of 40 CFR Part 60, Subpart RRR by, pursuant to § 60.702(c), maintaining a TRE value greater than 1.0 without the use of a VOC emission control device, shall submit to the Administrator semiannual reports of exceedances of monitored parameters recorded under § 60.705(g) and any recalculation of the TRE index value.	The RXDC may be subject to the requirements of 40 C.F.R. Subpart RRR but, historically, has not been viewed as subject based on the prior owner's conclusion that it is not part of a process unit that produces a chemical listed in § 60.707. As a result, although the RXDC's TRE is greater than 8.0, the initial notifications required by § 60.7(a) were not provided for the RXDC and it has not been addressed in the facility's Subpart RRR semiannual reports.	The RXDC was included in the NSPS Subpart RRR semiannual report submitted on February 18, 2005. Additionally, the facility submitted an applicability determination request to TCEQ on 7/26/05 to confirm whether the RXDC is in fact subject to NSPS Subpart RRR. TCEQ confirmed by letter dated 10/11/05 that the RXDC is not subject to NSPS Subpart RRR.	1/24/05	3/25/05	2/18/05 (RRR); 10/11/05 (TCEQ concurrence that NSPS RRR does not apply)	E

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
3	40 C.F.R. §§ 60.7(a)(1) and (3) and 60.665(l)(7)	Any owner or operator subject to NSPS shall furnish to the Administrator written notice of the date construction of an affected facility commenced and notification of the actual date of initial startup. Additionally, the owner or operator of a distillation column that seeks to comply with the requirements of 40 CFR Part 60, Subpart NNN by, pursuant to § 60.662(c), maintaining a TRE value greater than 1.0 without the use of a VOC emission control device, shall submit to the Administrator semiannual reports of any recalculation of the TRE index value.	The Methanol Stripper, AZEO Column, Methanol Flasher, Degass/Vac System, Evp Vac System, and RXDC may be subject to the requirements of 40 C.F.R. Subpart NNN but, historically, have not been viewed as subject based on the prior owner's conclusion that it is not part of a process unit that produces a chemical listed in § 60.667. As a result, although these distillation columns each have a TRE value greater than 8.0, the initial notifications required by § 60.7(a) were not provided and the distillation columns have not been addressed in the facility's Subpart NNN semiannual reports.	The Methanol Stripper, AZEO Column, Methanol Flasher, Degass/Vac System, Evp Vac System, and RXDC were included in the Subpart NNN semiannual report submitted on February 18, 2005. Additionally, the facility submitted an applicability determination request to TCEQ on 7/26/05 to confirm whether these distillation columns are in fact subject to NSPS Subpart NNN. TCEQ confirmed by letter dated 10/11/05 that these are not subject to NSPS Subpart NNN.	1/24/05	3/25/05	2/18/05 (NNN); 10/11/05 (TCEQ concurrence that NSPS NNN does not apply)	E
4	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	Materials resulting from cooling water system leaks have been discharged to the wastewater conveyance system.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	3/14/05	5/13/05 Extension request sought until 11/30/05 to develop long-term corrective measures.	9/30/05	E

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
5	30 T.A.C. §§ 116.110(a), 116.116(b)(1)	Any person who plans to construct any new facility or engage in the modification of an existing facility which may emit air contaminants into the air shall obtain a permit. A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant.	As a result of the facility's ongoing review of its NSR permits, it has identified instances where information presented in permit applications by the prior owner (and thus authorized under the existing permits) does not accurately reflect facility operations. The facility's review of its NSR permits is ongoing and the facility may identify additional inconsistencies between the previously filed applications (and corresponding permits) and facility operations.	The facility is reviewing all of its NSR applications and permits. INVISTA plans to meet with TCEQ's Air Permits Division to develop a schedule to submit necessary permit amendments. Finally, to the extent that any noncompliance is associated with the permit application's failure to include routine startup and shutdown emissions, the facility has begun to and will continue to report startup and shutdown activities that are not covered by the permits as previously thought. The facility met with TCEQ on 12/20/05 and discussed a schedule to submit amendment applications for NSR permit Nos. 28315 and 2925 by 4/28/06 and 9/29/06, respectively.	9/19/05	11/18/05 Extension requested until permit issuance per letters dated 11/03/05 and 12/20/05.	Pending See Tab 18.A	B,F,D

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
			POTENTIAL EXCEPTIONS					
PE1	30 T.A.C. § 335.43(a) and §§ 335.112(a)(9), 335.152(a)(8) (adopting by reference 40 C.F.R. Parts 264 and 265, Subpart J - Tank Systems)	No person shall store, process, or dispose of hazardous waste without first having obtained a permit. A generator may accumulate hazardous waste on-site for 90 days without a permit if the waste is placed in tanks and the generator complies with the applicable requirements of 40 C.F.R. Part 265, Subparts J, AA, BB, and CC, except 40 C.F.R §§ 265.197(c) and 265.200, as adopted by reference under 30 T.A.C. § 335.112(a).	Maintenance drain tanks in the PTMEG area are not managed as hazardous waste tanks subject to RCRA regulation. At the time of the audit finding, it was unclear whether these tanks are process tanks or exempt as totally enclosed treatment facilities.	The facility has determined that these tanks are not subject to RCRA and submitted a regulatory applicability determination for concurrence on 10/14/05.	4/29/05	6/28/05 Extension requested until 10/15/05 per letter dated 8/29/05.	10/14/2005 See Tab 18.B	E
PE2	30 T.A.C. § 335.43(a) and §§ 335.112(a)(9), 335.152(a)(8) (adopting by reference 40 C.F.R. Parts 264 and 265, Subpart J - Tank Systems)	No person shall store, process, or dispose of hazardous waste without first having obtained a permit. A generator may accumulate hazardous waste on-site for 90 days without a permit if the waste is placed in tanks and the generator complies with the applicable requirements of 40 C.F.R. Part 265, Subparts J, AA, BB, and CC, except 40 C.F.R §§ 265.197(c) and 265.200, as adopted by reference under 30 T.A.C. § 335.112(a).	The tails mix tank in the THF area is not managed as a hazardous waste tank subject to RCRA regulation. At the time of the audit finding, it was unclear whether this tank is an elemental neutralization unit and therefore not subject to RCRA regulation.	The facility has determined that the tails mix tank is an elemental neutralization unit and therefore not subject to RCRA regulation. INVISTA sent a letter to EPA explaining this determination on 10/14/05.	7/13/05	9/11/05 Extension requested until 10/15/05 per letter dated 8/29/05.	10/14/2005 See Tab 18.B	E

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
PE3	30 T.A.C. §§ 335.43(a), 335.41.(b) and (d)(1); 40 C.F.R. § 264.1(g)	No person shall store, process or dispose of hazardous waste without first having obtained a permit. A generator may neutralize waste in an elementary neutralization unit or a totally enclosed treatment facility prior to placing the non-hazardous waste in a surface impoundment, and thereby qualify for an exemption from the hazardous waste permit requirements.	The intermittent wastewater stream produced by a periodic catalyst process in the THF manufacturing unit has a high pH (> 12.5) at the point of generation within the process. This waste stream is neutralized with acid prior to discharge into the Inorganic Retention Basin (IRB) pond. Process knowledge is employed to determine the amount and timing of the addition of acid to the wastewater. The IRB pond was not in use at the time of this finding and is not scheduled for use again until August 2005.	The facility has reviewed the IRB process and has evaluated and implemented changes to the intermittent catalyst process and the acid neutralization step to provide greater assurance that wastewater discharges into the IRB are adequately neutralized prior to discharge. The facility has investigated and evaluated historical information about the use of the IRB and submitted correspondence to the Agencies on 10/31/05 summarizing its review.	4/29/05	6/28/05 Extension request to 10/31/05 for submission of regulatory applicability determination letter per letter dated 10/7/05.	10/31/2005 See Tab 18.B	E
PE3.1	30 T.A.C. §§ 335.43(a), 335.41.(b) and (d)(1); 40 C.F.R. § 264.1(g)	No person shall store, process or dispose of hazardous waste without first having obtained a permit. A generator may neutralize waste in an elementary neutralization unit or a totally enclosed treatment facility prior to placing the non-hazardous waste in a surface impoundment, and thereby qualify for an exemption from the hazardous waste permit requirements.	The IRB pond may have been historically used by the previous owner for the management of catalyst process wastewater that did not receive adequate neutralization prior to placement of the wastewater into the pond.	The facility has investigated and evaluated historical information about the use of the IRB and submitted correspondence to the Agencies on 10/31/05 summarizing its review.	7/6/05	9/4/2005 Extension request to 10/31/05 for submission of regulatory applicability determination letter (per letter dated 10/7/05).	10/31/2005 See Tab 18.B	E

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
PE 4	30 T.A.C. §§ 335.503(a)(1), 335.504	Hazardous waste regulations require generators to evaluate their wastes using testing and/or process knowledge and to properly manage any wastes that are hazardous wastes due to characteristics and/or regulatory listings.	The facility has not adequately determined that all wastes discharged as wastewater to the wood-lined wastewater conveyance systems are non-hazardous.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	5/12/05	Extension request sought until 11/30/05 to develop long-term corrective measures.	9/30/05	E
PE 5	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	The facility may not have identified the source of the wastewater flow for certain individual discharge points into the wood-lined conveyance system from facility operations.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	5/12/05	Extension request sought until 11/30/05 to develop long-term corrective measures.	9/30/05	E
PE6	Tex. Water Code § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4; 40 C.F.R. § 144.11	The State requires the permitting of discharges to waters of the state. Waters of the State includes groundwater in the State of Texas.	The facility identified on a portion of the leased property an apparent monitoring well or former sump location that may not have been properly abandoned. This well or sump has the potential for allowing a discharge to the groundwater.	The facility has confirmed that the physical features at issue are owned by the La Porte site owner, DuPont. Although no corrective action by INVISTA is required by this finding, the facility will notify the site owner of the existence of these physical features.	6/29/05	8/28/2005 Extension requested until 10/31/05 per letter dated 10/7/05.	10/26/05	E

INVISTA S.à r.l.
PSD/NNSR Findings
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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
			POTENTIAL EXCEPTION					
1	30 TAC §§ 116.110(a)(1), 166.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review ("NNSR") requirements. These regulations may require permitting, installation of Lowest Achievable Emission Rate ("LAER"), and/or emission offsetting.	Prior to INVISTA's ownership, in 2000 the facility increased the permitted capacity of the PTMEG unit by 20%. This change resulted in an increase of emissions above the NNSR netting threshold.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

INVISTA S.à r.l.
Focused Chapter 115 (State VOC) Audit
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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected
N/A	N/A	N/A	No Exceptions Found	N/A	N/A	N/A	N/A

INVISTA S.à r.l.
Focused HON Audit
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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Duration/ Frequency
			EXCEPTIONS					
1	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 CFR § 63.110(a), §§ 63.132 thru 63.138, § 63.144, § 63.146, § 63.147, and § 63.152(b)(1)	A wastewater stream at an existing source subject to Subpart PPP and containing at least 10,000 ppmw of organic HAP as defined in 63.1423 is identified as Group 1 and is subject to certain emission control, recordkeeping, and reporting requirements. The remainder of the wastewater streams are classified as Group 2 and are subject to recordkeeping and reporting requirements.	THF CMPU. The original HON wastewater notice of compliance status identified ten sources of wastewater (other than the incinerator, which was subsequently shut down), all of which were classified as Group 2 wastewater streams. The facility has undertaken a review to verify and update the sources of wastewater in the THF CMPU, and this review suggests that there may be more than 20 sources of wastewater. Previously unidentified wastewater sources, whether Group 1 or Group 2, would not have satisfied associated SOCMI HON recordkeeping and reporting requirements. The site has not completed its review to confirm whether any of the previously identified or newly identified streams are Group 1 and subject to SOCMI HON emission control requirements.	The facility completed the review of waste water streams for HON, identified applicable group determinations for each stream and reviewed the applicable controls and recordkeeping requirements of the streams and made sure they are adequately addressed in current systems.	2/23/05	4/24/05	4/22/05	D, F
2	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 CFR § 63.100 and § 63.105	SOCMI HON requires that owners or operators prepare a description of maintenance procedures for management of maintenance wastewaters.	THF CMPU. The facility does not have documented procedures to manage certain maintenance wastewater sources (e.g. heat exchangers in general, catalyst hold tanks, Step 2 Degasser, Step 2 Degasser Vent Scrubber, Acid Day Tank, High Boiler Column, Purge Column, Vent Collection Tank, and Storage Tanks in the Tank Farm).	The facility established procedures for management of wastewaters for all applicable sources.	2/23/2005	4/24/05	4/22/05	D, F

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3	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 40 CFR § 63.1420, § 63.1433, § 63.132 through § 63.147	A wastewater stream at an existing source subject to Subpart PPP and containing at least 10,000 ppmw of organic HAP as defined in 63.1423 is identified as Group 1 and is subject to certain emission control, recordkeeping, and reporting requirements. The remainder of the wastewater streams are classified as Group 2 and are subject to recordkeeping and reporting requirements.	PTMEG PMPU. The original Subpart PPP wastewater notice of compliance status identified one wastewater source, which was classified at the time as a Group 2 wastewater stream. The facility staff have recently identified a second source of wastewater in the PTMEG PMPU, but have not yet formally designated it as Group 1 or Group 2 and fulfilled associated requirements. The site staff currently expect the stream to be classified as a Group 2 wastewater stream that would only be subject to recordkeeping and reporting requirements rather than also being subject to emission control requirements.	The facillity performed a HON Group Determination for the referenced waste water stream and included documentation in the facility files.	2/23/2005	4/24/05	4/22/05	D, F
4	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 40 CFR § 63.100, § 63.105, and § 63.1433(b)	Subpart PPP requires that owners or operators prepare a description of maintenance procedures for management of maintenance wastewaters.	PTMEG PMPU. The facility lacked documentation listing sources of maintenance wastewater and the associated specific procedures to manage the wastewater and control HAP emissions.	The facility developed a listing of the maintenance wastewater sources and procedures to minimize HAP emissions as applicable.	2/23/2005	4/24/05	4/22/05	D, F

INVISTA S.à r.l.
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5	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 40 CFR § 63.1433(a), § 63.147(b)(4), § 63.146(a) and (f), and § 63.151(f)	Records of the alternate monitoring parameters for the treatment unit used to treat a Group 1 wastewater stream shall be kept in a readily accessible location.	PTMEG PMPU. The site proposed alternate monitoring parameters consisting of the BOD and TOC concentrations and limits established by the TPDES permit for the DuPont LaPorte biotreatment facility, which is used to treat the Group 1 wastewater stream from the PTMEG PMPU. The site did not have records of the actual BOD and TOC results for DuPont's biotreatment facility in a readily accessible location.	On 4/5/05 the facility concluded that this is not an exception. 40 C.F.R. § 63.147(b)(4) specifies that for alternative parameters that have been approved by the Administrator, "the owner or operator shall keep the records approved by the Administrator." DuPont is the holder of the permit. Although alternative parameters have been requested by DuPont, no such alternative monitoring parameters have been approved by EPA. Because EPA has not yet approved DuPont's proposed alternative monitoring parameters, INVISTA is not yet required to keep records of the alternative parameters. Notwithstanding, to assure compliance when and if the alternative parameters are approved by EPA, the facility has requested in writing that DuPont (1) provide the facility with copies of correspondence regarding the monitoring proposal, and (2) provide the facility with BOD and TOC data and limits established by the TPDES permit (and any other data necessary to demonstrate compliance with the proposed or approved monitoring plan).	2/24/2005	4/25/05	4/11/2005	E

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6	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 40 CFR § 63.1425(f), § 63.117(a)	The process vent reporting and recordkeeping provisions of the SOCMI HON, which are applicable by reference, require records to be kept documenting process vent group determinations and for this documentation to be included in the NOCS.	PTMEG PMPU: The facility's records and reports (NOCS) do not contain the information required by the rule to clearly determine and document PPP applicability and group determinations. For example, the NOCS dated 10/29/2002 indicates that there are Group 1 process vents that are controlled by a flare and that there are two Group 2 process vents. Recent applicability information prepared by Trinity Consultants identifies five additional vents as Group 2 vents and one of the original Group 2 vents is identified as not subject to PPP (no HAPs present).	The facilty finalized the draft applicability and Group determination to reflect current operations.	2/24/2005	4/25/05	4/22/05	D, F

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			POTENTIAL EXCEPTIONS					
1	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 CFR § 63.160, § 63.180(d)(1), § 63.181, and § 63.182	Equipment components that operate in organic HAP service 300 hours or more during the calendar year are subject to the SOCMI HON leak detection and repair (LDAR) program.	THF CMPU. A recent air permit renewal application (~2002) has identified equipment components by process stream IDs and associated organic HAP compositions different than the equipment groupings used to set up the SOCMI HON LDAR program. The new stream ID breakdowns have not yet been compared to the "groupings" in the LDAR computer tracking system to see if there are any resulting SOCMI HON applicability errors. If any components have been mistakenly identified as not being subject to SOCMI HON, it is likely that the required monitoring and repairs are being conducted consistent with the requirements 30 T.A.C. § 63.162 through § 63.175 because they are in the site's LDAR program; however, this was not specifically verified during the audit. However, any such components mistakenly identified as not being part of the site's SOCMI HON LDAR program would not have satisfied the resulting recordkeeping and reporting requirements.	The facility employed a consulting engineering group to create a report showing aggregate groupings of tags per stream names and estimated compositions (in the THF unit only). The facility evaluated the groupings for PTMEG unit. The facility compared field matched stream names in the Master LDAR Database (for both THF and PTMEG area) that were derived from Steam ID Numbers to the HON "groupings" in the LDAR database. The facility concluded that HON designations associated with the stream names matched the HON Tagging Groups.	2/23/2005	4/24/05	4/23/05	E

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2	30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 CFR § 63.160, § 63.180(d)(1),§ 63.181, § 63.182, § 63.1420, and § 63.1434	Equipment components that operate in organic HAP service 300 hours or more during the calendar year are subject to the Subpart PPP leak detection and repair (LDAR) program.	PTMEG PMPU. Recently, new process stream ID breakdowns have been created including associated organic HAP compositions. The new process stream breakdowns have not yet been compared to the "groupings" in the LDAR computer tracking system to see if there are any resulting Subpart PPP applicability errors. If any components have been mistakenly identified as not being subject to Subpart PPP, it is likely that the required monitoring and repairs are being conducted consistent with the requirements 30 T.A.C. § 63.162 through § 63.175 because they are in the facility's LDAR program; however, this was not specifically verified during the audit. However, any such components mistakenly identified as not being part of the facility's Subpart PPP LDAR program would not have satisfied the resulting recordkeeping and reporting requirements.	The facility employed a consulting engineering group to create a report showing aggregate groupings of tags per stream names and estimated compositions (in the THF unit only). The facility evaluated the groupings for the PTMEG unit. The facility compared field matched stream names in the Master LDAR Database (for both THF and PTMEG area) that were derived from Steam ID Numbers to the HON "groupings" in the LDAR database. The facility concluded that HON designations associated with the stream names matched the HON Tagging Groups.	2/23/2005	4/24/05	4/23/05	E
3	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 CFR § 63.152(c)	The Rule requires the owner or operator to submit semi-annual periodic reports (Subpart A, F, and G)	Facility personnel could not produce a signed copy of the semi-annual report due on 11/19/04.	The facility has determined that the submissions made on 11/19/04 contained a typographical error. The plant resubmitted a corrected correspondence referencing the applicable HON subparts.	2/24/2005	4/25/05	4/22/05	E

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1	30 T.A.C. §§ 113.100 and 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart A-General Provisions and Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, respectively); 40 C.F.R. §§ 63.10(e)(3)(v) and 63.152(c)	The owner or operator of a source subject to this subpart shall submit Periodic Reports. Except as specified in the regulations, these reports must be submitted semiannually no later than 60 calendar days after the end of each 6-month period.	The following deficiencies and/or discrepancies were noted regarding the Periodic Report for the semi-annual period ending March 19, 2004 required by Subpart G of the Hazardous Organic NESHAP (HON). 1. The report was submitted on May 20, 2004, two days after the due date of May 18, 2004; and 2. The report was not signed by a responsible official of the facility.	1. The facility's Compliance Calendar was modified on 8/10/04 to reflect the correct deadlines for HON reporting (5/18/2004 - 11/18/2004), and to reflect the signatory requirement. 2. A Periodic Report correcting the deficiencies was submitted to EPA on 10/1/04.	8/4/04	10/3/04	1. 8/10/04 2. 10/1/04	C
2	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A – General Provisions); 40 C.F.R. § 63.10(d)(5)(i)	The facility is required to submit start-up, shutdown and malfunction (SSM) reports on a semi-annual basis that are signed and certified by the owner, operator or other responsible official regarding the accuracy of the data submitted.	The semi-annual SSM reports submitted since May 1, 2004 did not contain the certification statement and were not signed by a responsible official.	1. The facility's Compliance Calendar was modified on 8/10/04 to reflect the certification and signatory requirements. 2. The semi-annual SSM report sent 5/20/04 was corrected to include the required certification and signature by a responsible official and was submitted to EPA on 10/1/04.	8/4/04	10/3/04	1. 8/10/04 2. 10/1/04	C
3	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R.	Periodic sampling meeting specified requirements is required of heat exchanger cooling water at the	Deficiencies were noted regarding the sampling of the heat exchanger cooling water system in ADN:	The facility now has implemented procedures to ensure that three samples are taken in accordance	8/5/04	10/4/04	10/1/04	B,F

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	Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. § 63.104(b)(5)-(6)	entrance and exit of heat exchanger systems associated with HON-regulated processes, including a minimum of three sets of samples. Average entrance and exit concentrations must be calculated, and the concentration corrected for the addition of any makeup water or for any evaporative losses, as applicable. A leak is detected if the exit mean concentration is found to be greater than the entrance mean using a one-sided statistical procedure at the 0.05 level of significance and the amount by which it is greater is at least 1 part per million or 10 percent of the entrance mean, whichever is greater.	Based on recorded results and discussions with facility personnel, the laboratory is combining the samples and analyzing as a composite sample rather than conducting separate analysis of each sample and then conducting the proper statistical analysis required by the regulations in order to determine if a leak has occurred.	with the applicable requirements and a statistical analysis of the sample results will be conducted.. The facility re-sampled the tower supply and return and analyzed three samples on 8/19 and on 9/9 in accordance with the regulations. The facility completed a HON wastewater stream identification process to assure compliance with these rules.				
4	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A – General Provisions); 40 C.F.R. § 63.6(e)(3)(viii)	The owner or operator of a facility subject to the HON may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by §63.10(d)(5). In the event that the owner or operator	Federal regulations require the facility to report any revisions to the start-up, shutdown and malfunction (SSM) plan, and the maintenance wastewater procedures, in the semi-annual SSM reports and, depending on the type of change, report the change to the permitting authority prior to implementing the modified SSM plan. The facility's SSM plan currently includes written maintenance wastewater procedures and SOPs for all SSM activities related to HON units. The SOPs are changed frequently but notification of the changes is not provided to the permitting authority and is not included in the semi-annual SSM reports.	The semi-annual report with the required information was submitted on 10/1/04. This submission included a summary of the previous SOP changes.	8/11/04	10/10/04	10/1/04	B,F

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		makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, or malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.						
5	40 C.F.R. §§ 82.156(i)(3) and 82.166(k), (m)	When repairs have been conducted without an industrial process shutdown or system mothballing, an initial verification test shall be conducted at the conclusion of the repair efforts and a follow-up verification test shall be conducted within 30 days after the initial follow-up verification test. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added.	The CRU refrigeration system in HMD was charged with 500 lbs of R-22 in July 2004. No leak calculation was conducted immediately following the charge. In addition, maintenance documentation did not indicate whether or not an initial leak verification test was conducted following the maintenance and charge, and whether a follow-up leak verification test was conducted within 30 days of the maintenance and charge event.	The facility implemented Refrigeration Compliance Manager (RCM) software to be used as the compliance tool to achieve compliance with 40 C.F.R. Part 82 requirements, and facility staff was trained on the use of this software. A new environmental procedure was issued to address refrigerant management. The CRU refrigeration system was evacuated and checked for leaks on 10/15/04.	8/4/04	10/3/04	9/30/04	C,F
6	40 C.F.R. § 82.156(i)(2)	The owners or operators of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge	Leak calculations conducted during the audit comment period indicated a leak of 36.5% occurred, which is greater than the 35% threshold which triggers initial and follow-up leak verification testing.	The CRU refrigeration system was evacuated and checked for leaks on 10/15/04. All coolant was evacuated from the unit at that time and leak testing with inert tracer gas was performed. Maintenance work was performed on the unit and the identified leak points were repaired	9/1/04	10/30/04	10/15/04 (date of evacuation and removal of unit from service for	D,F

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		during a 12-month period.		and tested per 40 C.F.R. 82.156.			repairs)	
7	40 C.F.R. § 82.154(m)	No person may sell or distribute, or offer for sale or distribution, to any person any substance that consists in whole or in part of a class I or class II substance for use as a refrigerant unless the buyer employs at least one certified technician and buyer submits written notification to seller.	The facility did not provide notification that it had at least one certified technician prior to purchase of multiple large cylinders of R-22 from DuPont as part of the asset purchase on May 1, 2004.	The facility has concluded that this finding is not an INVISTA violation. The facts of the finding state that DuPont sold refrigerant to the facility. The regulations at issue apply only to refrigerant seller or distributor, not the purchaser. However, the facility sent a notification letter to DuPont on 9/24/04 that identified the facility's certified technicians. On 9/28/04, the facility updated and re-issued its Refrigerant Procedure 26 to reflect the certification requirement.	8/4/04	N/A	N/A	E
8	TCEQ Air Permit No. 1790, Special Condition No. 1.A.	Conditions applicable to equipment in VOC service shall not apply (1) where the VOC has an aggregate partial pressure or vapor pressure equal to or less than 0.044 psia at 68°F or (2) where the operating pressure is at least 5 kilopascals (0.725 psi) below ambient pressure. Equipment excluded from this condition shall be identified in a list to be made available upon request.	The facility has not maintained a list of piping, valves, connectors, pumps, and compressors in VOC service that are not subject to the leak detection requirements based on partial pressures below the threshold.	On 8/24/04, the facility completed a list of piping, valves, connectors, pumps, and compressors in VOC service that are not subject to the leak detection requirements based on partial pressures below the threshold.	8/4/04	10/3/04	8/24/04	D,F
9	TCEQ Air Permit No. 1303, Special Condition No. 2; 30 T.A.C. § 116.115(c)	The HMD facility is required by NSR Permit No. 1303, Special Condition 2, to operate absorbers as represented in permit application confidential materials (PI-1 dated August 1, 1996 and the permit alteration request dated May 11, 1998). These representations include minimum water flow rates and maximum ammonia (NH3) concentrations in the scrubber	The minimum water flow rate for the HMD #1 vent scrubber represented in the permit application confidential materials is not being maintained.	A modified renewal application for the HMD permit was completed on 10/10/04 to reflect an accurate water flow rate to the scrubbers.	8/11/04	10/10/04	10/10/04 See Tab 18.B	A,F

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		solutions.						
10	TCEQ Air Permit No. 1303, Maximum Allowable Emission Rate Table; 30 T.A.C. § 116.115(b)(2)(F)	Maximum allowable emission rates under NSR Permit (No. 1303) for Emission Point No. PE-40 (railcar loading scrubber) are: NH3 Emission Rate (tpy) 0.01 VOC Emission Rate (tpy) 0.01 Maximum allowable emission rates for Emission Point No. PE-61 (ADN Storage Tank) are: VOC Emission Rate (tpy) 0.01	The HMD Facility reported emissions of ammonia (0.018 tpy) and VOC (0.017 tpy) on the 2004 [sic 2003] Emission Inventory transmittal for the railcar loading scrubber, and emissions of NH3 (0.012 tpy) for the ADN Storage Tank that are in excess of the allowable emission rate of 0.01 tpy contained in NSR Permit No. 1303, Maximum Allowable Emission Rate Table.	The original emission calculations for NH_3 and VOC were reviewed and found to be in error. In addition, the finding went beyond two significant decimal points. When brought back to two decimal points, the emissions did not exceed the limit. The revised calculations were included in a revised 2003 Annual Emission Inventory, which was completed on 10/10/04.	8/11/04	10/10/04	10/10/04	D,F
11	30 T.A.C. § 101.10(a) and (d) Excerpt from TCEQ 2003 Emissions Inventory Guidelines pg 46	Facilities subject to the annual emission inventory requirements must report actual emissions each year on the annual emissions inventory update (AEIU). The term "actual emission" is the actual rate of emissions of a pollutant from an emissions unit as it enters the atmosphere. TCEQ guidelines state that a facility may not use the factor from its permit if the permit factor came from a document such as AP-42; in this case, the facility must use the most recent version of that factor. These guidelines also state that reported rates should represent actual emissions, rather than maximum potential emissions.	The following deficiencies were noted in the Adipic Acid process 2002 and 2003 emission inventory and backup documentation: 1. The facility reports Maximum Air Emission Rates (MAER) listed in the New Source Review permit instead of actual emission rates for 50 tanks/ receivers, two cone burners, two dryers, and the adipic acid railcar loading area. The guidance document requires that actual emissions be estimated and provides information on acceptable estimation methodologies. 2. The non-volatile residue (NVR) storage tank K-07 has a listed permit limit of 0.0810 tpy in the supporting documentation. The actual MAER emission rate is 0.035 tpy. The facility is reporting emissions in excess	1. Emissions from the 50 tanks/receivers, cone burners, dryers and railcar loading area were recalculated using the estimation methods prescribed in the guidance document. The revised Emissions Inventory was completed on 10/10/04. 2. The revised emissions calculations were included in the application for an amendment to the Adipic Acid permit filed 10/8/04, to increase the permit limit for NVR Storage Tank K7. 3. Upon further technical review, the facility determined that the third finding was factually incorrect. Emissions are included with the low pressure scrubber numbers.	8/11/04	10/10/04	1. 10/10/04 2. 10/8/04 See Tab 18.B	1. D,F 2. D, F 3. E

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			of the permitted limit listed in the MAER table for this emission unit. 3. Emissions from the Steam Still Vent, Steam Still Decanter Vent, and the Aqueous Decanter Vent, that occur during upset conditions when the Cogen systems are unavailable, are not reported.					
12	30 T.A.C. §§ 122.132(a), (e) and (g)	Facilities are required to include all applicable requirements in Title V and NSR permit applications.	The facility's ADN's Title V permit application, submitted in May 2000 (TCEQ has not yet issued the Title V permit) incorrectly indicates that 30 T.A.C. 111.151, allowable emission limits for nonagricultural processes, is not an applicable requirement. Note: The following nonagricultural PM sources exist within the ADN operations: ADN cooling tower, ADN dust collectors, and ADN flares).	Cooling tower, ADN Dust Collectors (Boric Acid, Ni) and ADN flares emissions were added to the ADN NSR permit application that was submitted on 10/15/04. On 8/10/04, TCEQ agreed that the facility could integrate all changes for Title V applications in one submission and submit by 2/1/05. Per letter dated 12/15/04, INVISTA requested until 4/1/05 to submit the Title V application changes. The Title V application changes were submitted on 3/30/05.	8/11/04	10/10/04 Extension until 4/1/05 to submit the Title V app. changes.	10/15/04 (NSR permit app. submitted) 3/30/05 (Title V app. Changes submitted) See Tab 18.B	D,F
13	TCEQ Air Permit No. 1302, Special Condition No. 1; 30 T.A.C. § 116.115(b)(2)(f)		The NSR Air Permit for ADN incorrectly identifies the boric acid dust collector (New EPN PC-82, Old EPN PP-82) as a source of VOC emissions, rather than as a source of PM10 emissions. Additionally, the NSR permit renewal submitted in July 2004 by the facility includes the same error.	An application to amend the ADN NSR permit to correct this error was submitted on 10/15/04.	8/11/04	10/10/04 extension requested until 10/16 for permit amend-ment appl.	10/15/04 See Tab 18.B	D,F
14	30 T.A.C. § 122.146(5)	Texas regulations require Title V facilities to provide specific permit/applicability information (i.e., permit conditions, compliance method, etc.) on annual Compliance	The annual compliance certification submitted June 21, 2004 for the ADN boilers (Permit No. O-02075) did not identify each term or condition of the permit and the	At the time of this finding, DuPont held the permit and operated the ADN boilers, and submitted the June 21, 2004 certification.	8/9/04	N/A	N/A	E

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		Certifications. Among other items, the annual compliance certification must include or reference the identification of each term or condition of the permit for which the permit holder is certifying compliance, the method used for determining the compliance status of each emission unit, and whether such method provides continuous or intermittent data.	method used to determine compliance.	In addition, the facility has determined that the DuPont annual compliance certifications identified in the audit finding, which reference applicable information and were prepared using TCEQ forms consistent with TCEQ guidance, were not deficient.				
15	Federal Operating Permit No. O-01868, Special Condition No. 3	The Adipic Acid production facility's Title V Permit (No. O-01868) requires that an annual observation of visible emissions from qualifying vents must occur at least once in each 12-month certification period and that the observationss be documented.	The facility failed to record an annual observation for any qualifying vents (the NOx abatement vent, the cone burners, the dryer vents/control scrubber and the railcar loading dust control vent) for the 12-month certification period ending August 4, 2004.	The requirement for PD-25 vent observation has been added to the facility's Compliance Calendar Database. The facility confirmed no operational violation during a field observation on 10/7/04. The lack of documentation for the NOx abatement vent was noted as a deviation in the facility's Title V deviation report filed 9/3/04. The lack of documentation for all other sources will be included in the next Title V deviation report. The Environmental Database has been modified to ensure the next deviation report includes these deviations.	8/11/04	10/10/04	10/7/04	C,F
16	30 T.A.C. §§ 101.10(a) and 116.110	State regulations require facilities to obtain permits for sources of air contaminants. State regulations require a facility that emits criteria pollutants and/or hazardous air pollutants (HAP) to submit an initial emissions inventory (EI) for any criteria pollutant or HAP that has not been	The facility did not obtain a permit or PBR for the dust collector connected to the nickel inverter in ADN's Catalyst House. Additional Detail: The dust collector is a source of PM10 and HAP emissions (nickel) but is not addressed by a PBR, the facility's current NSR permit, the NSR permit	A revised Emissions Inventory was completed on 10/10/04 to reflect these additional emissions. The application to amend the ADN permit was submitted on 10/15/04 to, among other things, include the dust collector as an emission source. The facility requested an extension	8/9/04	10/8/04 extension requested until 10/10 for EI extension requested until	10/10/04 for EI 10/15/04 for permit amdmt. app. See Tab 18.B	A,F

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		identified in a previous inventory. The IEI shall consist of actual emissions of VOC, NO(x), carbon monoxide (CO), sulfur dioxide (SO(2)), lead (Pb), particulate matter of less than 10 microns in diameter (PM(10)), any other contaminant subject to NAAQS, emissions of all HAPs identified in FCAA §112(b), or any other contaminant requested by the commission from individual emission units within an account.	renewal application submitted on July 14, 2004, or the facility's annual emissions inventory. No emission calculations are available for the nickel dust collector.	of the time period for corrective action in order to consolidate the required amendment with other amendments (extension requested until 10/16/04) and to submit the revised EI (extension requested until 10/10/04).		10/16 for permit amend-ment appl.		
17	30 T.A.C. §§ 106.8(c), 115.412(1)(A), (C), (F)(ii), 106.454(1)(A)(ii) and 106.454(1)(F)	Labeling, operation and recordkeeping requirements for cold solvent cleaners require: --A cover must be provided for each cleaner, which must be kept closed whenever parts are not being handled in the cleaner; --A permanent label summarizing specified operating requirements must be attached to the cleaner in a conspicuous location near the operator. Owners or operators of all other facilities authorized to be constructed and operate under a PBR must retain specified records and meet specified control and testing requirements). Note: The Form PI-7 registration is not required if total solvent makeup (gross usage minus waste disposal) is 110 gallons per year (gallon/yr) or less.	The following deficiencies were noted regarding the ADN maintenance shop (Building 3010) cold solvent cleaner that uses Safety Kleen Premium Gold Solvent (MSDS No. 82658/82774), a volatile organic compound: 1. The cover of the cold cleaner was not closed when the unit was not being utilized; 2. A label summarizing specified operating requirements was not attached to the degreaser; 3. There were no records documenting that total solvent makeup (gross usage minus waste disposal) is 110 gallons per year or less (the facility has prepared a PBR for its degreasers, but a Form PI-7 registration is also required if total solvent makeup exceeds 110 gallons per year); and 4. Monthly records of total	1. The facility developed a procedure for degreaser compliance requirements to resolve this issue. 2. The facility labeled the degreaser. 3. The facility updated its monitoring program to track solvent makeup and recordkeeping. The facility also developed a procedure for degreaser compliance requirements. The facility has also gathered records for 2003 and confirmed that total solvent makeup did not exceed 110 gallons for that year. 4. The facility updated its monitoring program to track solvent makeup and recordkeeping. The facility also developed a procedure for degreaser compliance requirements.	8/9/04	10/8/04	10/7/04	B,F

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			solvent makeup (gross usage minus waste disposal) were not available.					
18	30 T.A.C. §§ 106.454(1)(A)(ii), 106.454(1)(F). 106.454(3)(E), and 115.412(1)(C).	State regulations specify labeling, operation, and recordkeeping for cold solvent cleaners, including requiring a permanent label summarizing certain operating requirements, that is attached to the cleaner in a conspicuous location near the operator. Each unit must also meet specified control and testing requirements. The Form PI-7 registration is not required if total solvent makeup (gross usage minus waste disposal) is 110 gallons per year (gallon/yr) or less.	The following deficiencies were noted regarding the HMD maintenance shop (Building 818) agitating parts cleaner that uses Safety Kleen Premium Gold Solvent (MSDS No. 82658/82774), a volatile organic compound: 1. The cold cleaner did not have a label summarizing the applicable operating requirements attached to the degreaser; 2. There were no records documenting that total solvent makeup (gross usage minus waste disposal) is 110 gallons per year or less (the facility has prepared a PBR for its degreasers, but a Form PI-7 registration is also required if total solvent makeup exceeds 110 gallons per year); and 3. Monthly records of total solvent makeup (gross usage minus waste disposal) were not available.	The facility labeled the degreaser and updated its monitoring program to track solvent makeup and recordkeeping. The facility also developed a procedure for degreaser compliance requirements.	8/9/04	10/8/04	10/7/04	B,F
19	40 C.F.R. § 68.39(b)	Federal regulations require modeling, recordkeeping and reporting for RMP-regulated processes. In particular, the owner or operator must maintain specified records on the offsite consequence analyses, including:	Back-up documentation does not demonstrate the effect of passive and active mitigation controls taken into account in the alternative release scenarios for chlorine (Toxic ARS No. 1), ammonia (Toxic ARS Nos. 2 and 3), and 1,3-Butadiene (Flammable ARS No. 1) that were	The RMP was revised to address all backup data requirements and resubmitted to the RMP reporting center.	8/10/04	10/9/04	10/8/04	B,F

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		(a) For worst-case scenarios, a description of the vessel or pipeline and substance selected as worst case, assumptions and parameters used, and the rationale for selection; assumptions shall include use of any administrative controls and any passive mitigation that were assumed to limit the quantity that could be released. Documentation shall include the anticipated effect of the controls and mitigation on the release quantity and rate. (b) For alternative release scenarios, a description of the scenarios identified, assumptions and parameters used, and the rationale for the selection of specific scenarios; assumptions shall include use of any administrative controls and any mitigation that were assumed to limit the quantity that could be released. Documentation shall include the effect of the controls and mitigation on the release quantity and rate.	submitted as part of the RMP on June 21, 2004.					
20	40 C.F.R. § 68.79(a)	A facility must conduct a compliance audit of the RMP program every 3 years. The owner or operator must certify that it has evaluated compliance with the provisions of this subpart at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed.	The facility audits each operations area on an element-by-element basis every three years. This approach ensures that each element is covered at each operational area once per three-year period. However, the time interval between any specific element for an operations area may exceed 3 years.	The facility requested an extension of the date by which corrective action is required until 12/31/04 in order to conduct a third party audit of PSM systems at the facility. The facility completed the PSM audit and had a certification on file on 12/21/04.	8/10/04	10/9/04. Extension requested until 12/31/04 as per letter dated 10/1/04	12/21/04	B,F
21	30 T.A.C. § 115.126	State regulations specify control, monitoring, and recordkeeping	The Adipic Acid production facility has emission units that are subject to	The facility has concluded that the monitoring and recordkeeping	8/11/04	10/10/04 By letter	7/29/05	E

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		requirements for VOC emissions from certain vents. These requirements include maintaining records of appropriate parameters to demonstrate compliance, and obligation to make specified records available upon request to TCEQ, EPA, or any local air pollution control agency having jurisdiction in the area.	the Vent Gas Control regulations. These units meet the control requirements via connection with the Conoco and/or DuPont cogeneration turbines. The facility does not keep records of appropriate operating parameters for the control devices, e.g., destruction temperatures, to demonstrate compliance with control requirements.	requirements cited herein do not apply to INVISTA because Conoco and/or DuPont own and operate the cogeneration turbines and submit certifications as to these units' compliance with these rules.		dated 5/31/05, the facility requested an extension until 7/30/05.		
22	40 C.F.R. § 61.357	An owner or operator must determine the total annual benzene quantity from facility waste using specified procedures. For each waste stream subject to these provisions having a flow-weighted annual average water content greater than 10 percent water, on a volume basis as total water, or mixed with water or other wastes at any time and the resulting mixture has an annual average water content greater than 10 percent (as specified in section 61.342(a)), the owner or operator must: --Determine the annual waste quantity for each waste stream using specified procedures; --Determine the flow-weighted annual average benzene concentration for each waste stream using specified procedures; and --Calculate the annual benzene quantity for each waste stream by multiplying the annual waste quantity of the waste stream times the flow-weighted annual average	The following inconsistencies were noted on the Total Annual Benzene (TAB) report in the ADN area (April 2004): Annual benzene quantities from the 3068 organic sump had not been reported since 1993; The annual benzene quantity for the natural gas plant mole sieve regeneration was reported as 0.002 Mg/yr rather than the 0.02 Mg/yr calculated in supporting documentation; and Several waste streams on the TAB report both benzene concentration and waste flow, but report zero Mg/yr annual benzene quantities.	These violations occurred prior to INVISTA's ownership or operation of the facilities. The facility has conducted a comprehensive stream identification process that has identified the applicable waste streams subject to the Benzene NESHAP. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/11/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F

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		benzene concentration.						
23	40 C.F.R. §§ 61.348(a), 61.354 and 61.355	With certain exceptions, a facility owner or operator must treat benzene waste streams in accordance with specified requirements, including: (1) The owner or operator must design, install, operate, and maintain a treatment process that either: (i) Removes benzene from the waste stream to a level less than 10 parts per million by weight (ppmw) on a flow-weighted annual average basis, (ii) Removes benzene from the waste stream by 99 percent or more on a mass basis, or (iii) Destroys benzene in the waste stream by incinerating the waste in a combustion unit that achieves a destruction efficiency of 99 percent or greater for benzene. (2) Each treatment process complying with paragraphs (a)(1)(i) or (a)(1)(ii) (above) must be designed and operated in accordance with specified waste management unit standards. (3) For the purpose of complying with the requirements specified in paragraph (a)(1)(i), the intentional or unintentional reduction in the benzene concentration of a waste stream by dilution of the waste stream with other wastes or materials is not allowed.	Initial performance testing for the hydrolysis wastewater treatment unit for Promoter filtrate was not performed to demonstrate 99% removal efficiency. This treatment standard (rather than the 10 ppm effluent standard) is required since dilution occurs when waste streams throughout the process area are combined. Additionally, analytical data supporting effluent concentrations during this initial test was not available. The facility is currently attempting to demonstrate compliance with alternate effluent regulatory requirements, which could exempt the hydrolysis unit from the waste treatment compliance demonstration.	The facility conducted sampling on the hydrolysis column pursuant to the procedures set forth in section 61.355(e). These tests demonstrated a removal efficiency exceeding 99.9%. Temperature was identified as an appropriate parameter, and temperature records were retrieved from system data back to July 2004. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/11/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	D,F

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24	40 C.F.R. §§ 61.342(b), 61.355(b)	Federal regulations regarding management of benzene waste streams require determination of the total annual benzene quantity for each waste stream at the point of generation. Each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr (11 ton/yr) must manage and treat the facility waste in the manner specified in the regulations.	The total annual benzene quantities are not being accurately determined at point of generation in the HMD refining area as provided by the following examples: 1. Tank D-12 is designated as a point of generation however, it is a waste accumulation tank for numerous waste streams including by-product wastes, tank turnover wastes, and Tank D-19 discharges; 2. Tank D-19 is designated as a point of generation however, it is a waste accumulation tank for numerous waste streams including power condensate, vent scrubber water, and synthesis building waste; 3. Hot well sump discharge is designated as a point of generation however, it is a waste accumulation tank for numerous waste streams including containing hot well collection pots discharges of benzene and non-benzene wastes sources as well as the pump cleanout wastes; and Additionally, many of these individual waste streams leading to tanks D-12, D-19, and the hot well sump have not been evaluated for NESHAP applicability or are not managed as NESHAP sources.	The facility has conducted and is evaluating a facility-wide stream identification process (including the HMD area) to document the applicable waste streams and assess overall compliance. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/12/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
24.1	40 C.F.R. §§ 61.342 through 61.357	Sources that are regulated under Subpart FF must meet treatment,	The facility has failed to comply with the benzene NESHAP	INVISTA is continuing to review the results of the wastestream	1/12/05	Current extension	Pending See Tab	A,F

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		monitoring, inspection, record keeping and reporting requirements and standards.	requirements.	identification process on a facility-wide basis to assess current compliance. For example, INVISTA has determined that BIFs 5, 7 & 8, the ADN North and South boilers and other sources were not previously identified as Subpart FF sources. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.		request seeks until 2/28/07 to develop corrective measures.	18.A	
24.2	40 C.F.R. §§ 61.354, 61.357 & 61.343-347; TX Clean Air Act §§ 382.085, 382.0215; 30 T.A.C. §§ 101.222(a)(1)-(6), 116.115(c)	Thermal incinerators such as the Fume Abator used as control devices under Subpart FF must be continuously monitored using a temperature monitoring device. Any 3-hour periods where the temperature was more than 28° below the design temperature must be reported.	Although the Fume Abator is designed to have a waste stream cutoff that prevents the flow of any benzene-containing materials to the unit when the temperature is below the 28° cutoff, the automatic feed cutoff was set below this threshold.	The facility is meeting with EPA and TCEQ regarding this and other benzene NESHAP issues. In addition, prior to INVISTA's ownership, one of the vents that directed benzene streams from the APF Unit to the Fume Abator was disconnected. INVISTA ceased operating the APF Unit last June. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop long-term corrective measures with EPA and TCEQ.	1/12/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
24.3	40 C.F.R. § 61.354; Tex Health & Safety Code §§ 382.085, 382.0215; 30 T.A.C. §§ 101.222(a)(1)-(6), 116.115(c)	Because the boilers are used as control devices for regulated benzene streams, the facility is required to continuously monitor the boilers for a parameter that indicates good combustion operating practice.	As of 3/1/05, the facility was designated by TCEQ as the operator of RCRA BIF boilers 5, 7 and 8. The facility had not previously identified these boilers as also subject to Subpart FF. Because the units had not been identified as subject to Subpart FF, no monitoring and recordkeeping had been conducted under Subpart FF requirements.	The facility is continuing to evaluate the benzene NESHAP issues associated with BIFs 5, 7, & 8, as well as the ADN North and South boilers. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	1/12/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
25	40 C.F.R. § 61.349(a)(2)(i)(C)	Federal regulations require control devices for closed vent systems to be designed and operated in	Interviews with BIF boiler operators indicated that the Low Pressure Diamine Off-Gas (LPDOG) vent	Given the complexity of this issue, the facility requested an extension of the time period for corrective	8/12/04	10/11/04 The facility	12/29/04 See Tab 18.B	B,F

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		accordance with specific benzene reduction levels or emission limits. An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must meet one of the following conditions: (A) Reduce the organic emissions vented to it by 95 weight percent or greater; (B) Achieve a total organic compound concentration of 20 ppmv (as the sum of the concentrations for individual compounds using Method 18) on a dry basis corrected to 3 percent oxygen; or (C) Provide a minimum residence time of 0.5 seconds at a minimum temperature of 760°C (1,400°F). If a boiler or process heater issued as the control device, then the vent stream shall be introduced into the flame zone of the boiler or process heater.	header stream from HMD and the benzene stripper vent header are introduced at temperatures lower than those established during performance test (i.e., introduced at the time of burner ignition) and that none of the control options has been demonstrated.	action with regard to this finding until such time as the facility can meet with TCEQ. INVISTA met with TCEQ on 10/18/04. By letter dated 12/15/04 extension requested until 12/31/04 to formally explain position. On 12/29/04 the facility sent a letter to TCEQ explaining position that (1) process interlocks ensure that vent streams are introduced at required temperatures, and (2) compliance with the control options of Subpart FF has been demonstrated by performance testing as allowed by 40 CFR 61.349(c). The facility is awaiting a response.		requested an extension until either a favorable response from TCEQ or 60 days after an un-favorable response.		
26	40 C.F.R. § 61.349(a)(1)(ii)	Vent systems that contain any bypass line that could divert the vent stream away from a control device used to comply with applicable benzene NESHAP regulations must install, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow away from the control device at least once every 15 minutes, except as specifically provided in the regulation.	The P-25 emergency vent in HMD refining is not equipped with flow indicators.	Upon further review, the facility has determined that the NESHAP vent line that is part of the existing configuration of this unit meets the requirement for a flow indicator. The regulations require only a "flow indicator," not a "flow monitor." 40 C.F.R. § 61.349(a)(1)(ii). EPA has confirmed that the purpose of this provision is to provide "easily observable visual evidence that control systems are not being bypassed." (58 Fed. Reg. 3081 (January 7, 1993). There is no requirement for a device that can	8/12/04	N/A	N/A	E

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				monitor flow rate, so the NESHAP vent line is a "flow indicator" for purposes of the regulations.				
27	40 C.F.R. §§ 61.342, 61.355	Federal regulations regarding management of benzene waste streams require determination of the total annual benzene quantity for each waste stream at the point of generation. Each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr (11 ton/yr) must manage and treat the facility waste in the manner specified in the regulation, including the following: Subject to limited exceptions, the owner or operator must treat the waste stream in accordance with specified requirements for the treatment process.	The total annual benzene quantities and points of generation are not being accurately determined in the Cyclohexane Oxidation process in the Adipic Acid Area.	The facility has conducted and is evaluating a stream identification process to document the applicable waste streams and assess compliance. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/16/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	AF
28	40 C.F.R. §§ 61.343(c), (e)(1) and 61.345(a)(3)(ii)(A), and (b)	Federal regulations regarding management of benzene waste streams require periodic inspection and monitoring. The standards in this section apply to the treatment and storage of the waste stream in a tank, including dewatering. The facility must install, operate, and maintain a fixed-roof (meeting specified requirements) and closed-vent system that routes all organic vapors vented from the tank to a control device. Each fixed-roof, seal, access door,	(1) Quarterly visual inspections and annual leak detection monitoring are not being performed for the de-inventory cyane tank in the KA Area (a non-exempt waste management unit); and (2) Quarterly visual inspections and annual leak detection monitoring are not being performed for trailers hauling waste benzene liquids (ADN waste streams P-022, P-123, P-126, and P-127) to the incinerator.	1. The facility has conducted and is evaluating a facility-wide stream identification process (including the KA area) to document the applicable waste streams and assess compliance. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ. 2. The facility sent a letter to DuPont on 10/14/04 to document that Subpart FF continuous streams are being	8/17/04	1. Current extension request seeks until 2/28/07 to develop corrective measures. 2. 10/16/04	1. Pending See Tab 18.A 2. 10/14/04	B,F

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		and all other openings must be checked by visual inspection initially and quarterly thereafter to ensure that no cracks or gaps occur and that access doors and other openings are closed and gasketed properly. Specified standards must be met for each container in which waste is placed, including certain requirements for covers. Each cover and all openings must be visually inspected initially and quarterly thereafter to ensure that they are closed and gasketed properly.		sent to DuPont via pipeline. The facility also updated its SP 33 procedure to address the inspection requirements for tank trucks.				
29	40 C.F.R. §§ 61.342(f)(2) and 61.356	Rather than treating the waste onsite, an owner or operator may elect to comply with specified regulations by transferring the waste offsite to another facility where the waste is treated in accordance with the applicable requirements. The owner or operator transferring the waste must comply with specified requirements, and must include with each offsite waste shipment a notice stating that the waste contains benzene which is required to be managed and treated in accordance with the provisions of this subpart. An owner or operator transferring waste offsite to another facility for treatment in accordance with these provisions must maintain documentation for each offsite waste shipment that includes the specified information. Additionally, these off-site facilities	For each waste shipment sent to the incinerator since May 1, 2004, INVISTA has not provided notification to DuPont stating that the waste contains benzene that is required to be managed and treated in accordance with the provisions of this subpart. Documentation was not available for review that indicates wastes are treated in the DuPont incinerator in accordance with the provisions of this subpart.	The facility sent a letter to DuPont on 10/14/04 to document the Subpart FF continuous streams being sent to DuPont. The facility also updated its SP 33 procedure, covering truck loading to ensure that notification is sent.	8/17/04	10/16/04	10/14/04	C

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		are required to treat the benzene waste in compliance with this subpart.						
30	30 T.A.C. § 117.313(b) (requiring compliance with quality assurance procedures of 40 C.F.R. Part 60, Appendix F)	Any covered CEMS must meet all requirements of 40 C.F.R. § 60.3; 40 C.F.R. Part 60, Appendix B, Performance Specification 2; and quality assurance procedures of 40 C.F.R. Part 60, Appendix F (with certain exceptions not applicable to this facility), including the development and implementation of a QC program containing specified provisions.	The facility has a CEMS associated with the NOx/N2O abatement train but does not have a written QC program as required in 40 C.F.R. Part 60 Appendix F.	A QC Plan was developed and implemented to meet the regulatory requirements.	8/12/04	10/11/04	10/7/04	D,F
31	30 T.A.C. § 116.110(a); 30 T.A.C. § 122.132(a), (e) and (g)	A permit application shall provide any information, including confidential information (as addressed in the applicable regulations), required by TCEQ to determine the applicability of, or to codify, any applicable requirement or state-only requirement.	The HMD facility's iron ore unloading, storage, and handling sources at HMD, which are a source of particulate matter emissions, were not included in the facility's Title V permit application, and do not have either a Permit by Rule or Standard Exemption.	Revisions to the pending permit renewal application for HMD (application no. 1303) were completed on 10/11 and reflected iron ore particulate emissions. The Emissions Inventory for 2003 was corrected to include HMD iron ore particulate emissions as well. The revised Emissions Inventory was completed on 10/10/04. On 9/10/04, TCEQ agreed that the facility could integrate all changes for Title Vs in one submission. The facility sought an extension until 4/1/05 to file the Title V permit applications. The HMD sources at issue were included in that submission 3/30/05.	8/12/04	10/11/04 Extension requested for Title V apps. until 4/1/05.	3/30/05 See Tab 18.B	A,F
32	30 T.A.C. § 116.110(a)	Before any actual work is begun, any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants	The facility has not requested either a permit by rule or standard exemption to allow the Conoco cogeneration facility as an alternative control system for the	Revisions to the pending permit renewal application for HMD (application no. 1303) were completed on 10/11/04 and reflected the Conoco cogeneration facility as	8/12/04	10/11/04	10/11/04 See Tab 18.B	A,F

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		into the air must either (1) obtain a permit under applicable regulations; (2) satisfy the applicable conditions for a standard permit, (3) satisfy the conditions for a flexible permit under the requirements in Subchapter G of this chapter (relating to Flexible Permits); (4) satisfy the conditions for facilities permitted by rule; or (5) satisfy the criteria for a de minimis facility or source.	HMD facility. Note: The HMD facility is sending waste streams to the Conoco cogeneration facility.	an alternative control system.				
33	40 C.F.R. §§ 60.13(a) and 60.73(a); TCEQ Air Permit No. 9468, Special Condition 6	Each monitor shall be quality assured at least quarterly in accordance with 40 C.F.R. 60, Appendix F, Procedure 1, Section 5.1.2. For NSPS sources subject to Appendix F, the appropriate TACB regional office shall be notified at least 30 days prior to each annual relative accuracy testing audit in order to provide them the opportunity to observe the testing. Continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of certain performance specifications for continuous monitoring systems. The source owner or operator shall install, calibrate, maintain, and operate a continuous monitoring system for measuring NOX meeting certain specifications.	The Nitric Acid facility is not conducting a Relative Accuracy Test Audit (RATA) once per year, as required by NSR Permit No. 9468, Condition 6.B., and applicable federal and state regulations. Note: Facility is conducting a fourth cylinder gas audit instead of RATA, apparently relying on 30 T.A.C. § 117.413 language allowing this. However, 30 T.A.C. § 117.458 makes clear that nothing in the Texas NOx RACT rule for Nitric Acid Plants is to be construed as exempting NSPS requirements.	METCO Environmental personnel conducted a Relative Accuracy Test Audit (RATA) on 9/23/04 using Method 7E, which has been approved by EPA, on the #4 AOP NOx CEMS (PC-9).	8/12/04	10/11/04	9/23/04	B,F
34	30 T.A.C.	The facility is required to report actual emissions annually, including	The facility's 2003 Emissions Inventory does not include	The Emissions Inventory for 2003 was corrected to include the various	8/12/04	10/11/04	10/10/04	D,F

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	§ 101.10(a)	actual emissions of VOC, NOx, carbon monoxide (CO), sulfur dioxide (SO2), lead (Pb), particulate matter less than 10 microns in diameter (PM10), any other contaminant subject to NAAQS, and emissions of all HAPs identified in FCAA Section 112(b) The Initial Emissions Inventory or subsequent Annual Emissions Inventory Updates shall contain emissions data from the previous calendar year and shall be due on March 31 of each year or as directed by the commission.	emissions from the following sources: 1. PM emissions from the boric acid dust collector or nickel dust collector; 2. VOC emissions from the parts cleaners; and 3. HCl emissions from the scrubber (EPN No. PT10), which abates two HCl storage tanks in ADN Promoter (Tanks 3045-1509-1 and 3045-1509-2).	sources identified in the finding. The revised Emissions Inventory was completed on 10/10/04.				
35	30 T.A.C. § 106.476	Any tank or other container storing carbon compounds is permitted by rule, provided that the tank or container pressure is sufficient at all times to prevent vapor or gas loss to the atmosphere or the tank or container is equipped with a relief valve which directs all vapors or gases to an incinerator, boiler, or other firebox having a stationary flue or a waste gas smokeless flare system.	The following deficiencies and/or discrepancies were noted regarding increased burning of LPDOG off-gas in the Powerhouse Boilers 5, 7 & 8 (October 2001): --The facility incorrectly filed a PBR for tank installations for the Powerhouse boilers that were actually installed by the HMD process; and --PBR 106.476 (Formerly SE No. 83) for "Pressurized Tanks or Tanks Vented to Control" should have been completed by the HMD process unit since the HMD process unit installed the "tanks vented to control" and not the Powerhouse. The Power Boilers should have concurrently filed a PI-7 associated with PBR 106.261 associated with General Facilities (Emissions Limitations) for the increase in emission associated with increased	The facility has determined that the correct PBR was submitted to authorize emissions from these tanks. Specifically, 30 T.A.C. § 106.476 authorizes tanks storing carbon compounds, provided vapors and gasses from the tank are direct to an incinerator, boiler, or other firebox having a stationary flue. The vent stream from two HMD storage tanks is routed to the LPDOG line and burned in the three Power Boilers. Because HMD constitutes a carbon compound, the tanks are properly authorized by § 106.476 (Registration No. 33081, July 25, 1996).	8/16/04	N/A	N/A	E

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			fuel combustion since these operations are under separate and distinct NSR permits. Note: HMD personnel stated that no tank installation had occurred in October 2001 and the increase in LPDOG off-gas throughput was initially denied some time earlier. However, it was believed that the increase in off-gas had been approved and the increase was implemented. This change in operational status was identified in October 2001 and the facility submitted a PBR application for the powerhouse to address the increased throughput. Note: The PBR was approved by TCEQ on January 17, 2002 based upon information provided by the facility.					
36	30 T.A.C. § 117.419(a)(1)	The owner or operator of an affected facility must notify TCEQ verbally at least 15 days prior to the date of any continuous emissions monitoring systems (CEMS) or predictive emissions monitoring systems (PEMS) performance evaluation conducted under applicable regulations (relating to Continuous Demonstration of Compliance), followed by written notification within 15 days after testing is completed.	The Nitric Acid facility is not notifying the TCEQ verbally at least 15 days prior to CEMS performance evaluations and written notification within 15 days after testing is completed. Note: The last CEMS performance evaluation occurred on June 23, 2004.	Procedures were developed and implemented that include agency notification before and after RATAs and CGAs. The facility provided verbal notification to the State on 9/7/04 and written notification to the State on 10/7/04.	8/16/04	10/15/04	10/7/04	B,F
37	30 T.A.C. § 122.165; Federal Operating Permit No. O-01350,	The following documents must include a signed certification of accuracy and completeness:	The Nitric Acid facility quarterly NSPS compliance report dated July 27, 2004, which is required by Title V to be submitted, is not signed by	NSPS reports containing the required certification and signed by responsible official were submitted on 9/21/04 to correct the previous	8/16/04	10/15/04	9/21/04	C

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	Special Condition No. 3. A.	(1) applications for initial permit issuance; (2) applications for revisions; (3) applications for reopenings; (4) applications for renewals; (5) applications for general operating permits; (6) general operating permit application revisions; (7) reports required by the permit; and (8) annual compliance certifications. The certification of accuracy and completeness must include specific language and must be signed by the responsible official, which is defined by the regulations.	the responsible official, and does not contain the required certification of accuracy and completeness statement. Note: The July 2004 submittal was signed by the EHS Manager, and contained an incorrectly worded certification statement.	report submitted 7/24/04.				
38	40 C.F.R. §§ 60.7(a) and 60.705(a)	Federal regulations for reactors require notification once a source becomes subject to a New Source Performance Standard (NSPS), and compliance with applicable standards, recordkeeping and reporting requirements. An affected facility is any of the following for which construction, modification, or reconstruction commenced after June 29, 1990: (1) Each reactor process not discharging its vent stream into a recovery system. (2) Each combination of a reactor process and the recovery system into which its vent stream is	The ISOM reactor in ADN was replaced with a larger reactor in 1997, triggering NSPS for the reactor. NSPS notification for reactor units (Subpart RRR) has not been submitted, and the reactor has not been identified as an NSPS Subpart RRR source in the Title V permit application.	The modification occurred prior to INVISTA's ownership. Nonetheless, the facility submitted to TCEQ on 10/15/04 the initial notification under Subpart RRR, the semi-annual report under Subpart RRR, and the flare waiver for the performance test. Per letter dated 12/15/04, INVISTA requested until 4/1/05 to submit the Title V application changes. On 3/30/05, the facility modified its Title V application to reflect these requirements.	8/17/04	10/16/04 Extension requested for Title V apps. until 4/1/05.	10/15/04 (initial notif. submitted) & 3/30/05 (Title V amdmt. app. submitted) See Tab 18.B	D,A,F

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		discharged. (3) Each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged.						
39	40 C.F.R. §§ 60.7 and 60.487	Federal regulations require compliance with notification, monitoring and reporting requirements for equipment installed or modified after January 5, 1981 at affected facilities in the synthetic organic chemicals manufacturing industry.	The facility installed the Dibasic Acid (DBA) portion of the Adipic Acid process unit in 1992 that includes equipment to add methanol to the Dibasic Ester (DBE). The methanol equipment is not included in the semiannual LDAR reports required by Subpart VV, and there is no indication that the initial notification was submitted for the methanol equipment. Note: The methanol equipment is included in the TCEQ Reg. V LDAR program, but results are not reported in the semiannual reports.	The facility concluded on 10/15/04 that the DBA process is not subject to Subpart VV. DBA is not a listed SOCMI chemical. DBA is reacted with methanol to make DBE, which is also not a SOCMI listed chemical. This item, therefore, is not a violation. In response to the audit, the facility submitted its Subpart VV report on 8/31/04 including methanol components. Based on the analysis above, however, the facility re-submitted its Subpart VV report (excluding methanol components) on 10/15/04.	8/17/04	10/16/04	10/15/04	E
40	40 C.F.R. § 60.7(c) and (d)	Unless otherwise specified in the permit, the permit holder must report to TCEQ, in writing, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.	The following deficiencies were noted regarding reporting and recordkeeping requirements: For all quarterly reports during the audit period (most recent dated 7/27/04) the facility did not calculate CEMS downtime correctly. Note: The facility will need to recalculate CEMS downtime and determine whether the corrected percent downtime exceeds 5 % during any reporting period, which would require the submittal of a	A procedure has been developed to address recordkeeping requirements, including in particular documentation of calculation methods and details needed for downtime descriptions. This procedure has been attached to both QC manuals and a copy has been placed in the CEMS Technical manual.	8/17/04	10/16/04	10/14/04	B,F

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			detailed excess emissions report. Note: The most recent quarterly report dated July 27, 2004 includes the correct NOx analyzer information.					
41	30 T.A.C. § 117.419(c); 40 C.F.R. § 60.7(c)	The owner or operator of an affected facility must report to TCEQ in writing on a quarterly basis all periods of excess emissions (as defined). All reports must be postmarked or received by the 30th day following the end of each calendar quarter. The reports must include information specified in the regulations. Each owner or operator required to install a continuous monitoring device must submit an excess emissions and monitoring systems performance report and/or summary report form to TCEQ semiannually (except when more frequent reporting is specifically required), postmarked by the 30th day following the end of each six month period. Written reports of excess emissions must include specified information. Except for system breakdowns, repairs, calibration checks, and required zero and span adjustments, all continuous monitoring systems must be in continuous operation and must meet specified minimum frequency of operation requirements.	The Nitric Acid facility is required to report excess emissions quarterly for NOx RACT compliance, and semi-annually per NSPS Subpart G. The facility is not reporting emissions that are measured by the CEMS in excess of the standard during periods of startups and shutdowns due to the CEMS conversion factor utilized to convert the pollutant concentration to units of the applicable standard, lb/ton, being considered invalid. However, the CEMS is required to be operated and providing valid data at all times, including periods of startup and shutdown.	Upon further review, the facility has concluded that this finding is in error. The facility tested the analyzer and determined that the CEMS is operating as required and is providing the correct data. Further, the facility determined that excess emissions under the NOx RACT and NSPS rules are based on 24- and 3- hour average NOx readings, respectively. Facility data (emissions monitoring and operating data for a few startups and shutdowns), shows average emissions are below the NOx RACT and NSPS limits up until shutdown of the unit. The 24- and 3- hour average emissions also are in compliance with the NOx RACT and NSPS limits within 24 and 3 hours of startup, respectively. The concern of the auditors appears to be that excess NOx emissions are calculated during the time period following shutdown until immediately following startup due to the fact that emissions expressed as lbs NOx/ton nitric acid produced are calculated even when the unit is shutdown and not producing nitric acid. This is a function of the formula used to convert the NOx concentrations measured by the	8/17/04	N/A	N/A	E

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				CEMS into lbs NOx/ton nitric acid produced. Despite the fact that emissions are calculated even when the unit is shutdown and not producing nitric acid, as stated previously , the 24- and 3- hour average emissions appear to be in compliance with the NOx RACT and NSPS limits within 24 and 3 hours of startup, respectively.				
42	40 C.F.R. § 61.145(b)	Facilities undertaking demolition or renovation activities in areas in which asbestos-containing material in certain conditions and amounts is located must submit a notification to EPA at least 10 days prior to demolition.	The facility removed and replaced a structural beam in Promoter in June 2004 without first submitting a demolition notification. Removal of a load-bearing structure is considered demolition. Note: The facility has an annual asbestos renovation notification, submitted May 18, 2004, that covers unscheduled renovation operations for 2004, but cannot be used for unscheduled demolition activities.	The facility's asbestos management procedure was revised to incorporate the detailed notification requirements.	8/17/04	10/16/04	10/14/04	C
43	30 T.A.C. Chapter 290, Subchapters D and F; 40 C.F.R. §141.2	State and federal regulations require public water suppliers to meet specific operational requirements. The facility treats water supplied by DuPont through the utilization of point-of-use treatment devices but does not operate as a public water system.	The facility meets the definition of a public water system, and must comply with all regulations pertaining to public water systems.	On 10/6/04, an Agreement with DuPont was amended to clarify responsibilities with respect to the system. Based on this amendment, the facility has concluded that its purchased water distribution system is excluded from regulation as a public water system (PWS). The facility uses purchased water from the DuPont Sabine River Works (PWS ID#1810114). Pursuant to 30 T.A.C. § 290.102, an otherwise regulated PWS is exempt from regulation if the PWS (1) consists only of distribution and storage facilities (and does not have any	8/4/04	N/A	N/A (Letter to TCEQ submitted 10/13/04) See Tab 18.B	E

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				productions and treatment facilities); (2) obtains all of its water from, but is not owned or operated by, a PWS to which such standards apply; (3) does not sell water to any person; (4) is not a carrier which conveys persons in interstate commerce; and (5) is subject to plumbing restrictions and inspections by the PWS which provides the water. The facility has concluded that it meets all of these requirements for the exemption. The facility sent a letter to TCEQ on 10/13/04 seeking its concurrence with this conclusion.				
44	TPDES General Permit No. TXR050000, Part II., Section C., 3	TPDES General Permit requires facility to develop a Storm Water Pollution Prevention Plan (SWP3) according to requirements contained in the General Permit.	Sixteen (16) deficiencies were noted with regard to development and implementation of the facility's SWP3.	A revised SWP3 Plan for the facility was prepared by Zephyr Environmental, P.E. and signed by the plant manager.	8/5/04	10/4/04	10/4/04	A,F
45	30 T.A.C. §§ 210.25	Producers, providers, and users of reclaimed water must adhere to the requirements for reclaimed water systems, which include design criteria. "Reclaimed Water Use" includes irrigation or other uses in areas where the public is not present during the time when irrigation activities occur or other uses where the public would not come in contact with the reclaimed water.	The facility is a user of reclaimed water that is produced and provided by DuPont, but there was no evidence that sampling has been conducted to determine if the water quality meets reclaim water standards. Regarding commingled water, the user's system that conveys the reclaimed water must meet the specification requirements for reclaimed water systems.	Upon further review, the facility has determined that because the water in question is regulated by a TPDES Permit, the reclaimed water rules of chapter 210 do not apply.	8/5/04	N/A	N/A	E
46	30 T.A.C. § 335.2(a)	Facilities that treat hazardous waste are required to obtain a hazardous waste treatment permit, unless that	The facility neutralizes wastewater in the East Conduit wastewater stream if the pH is such that the	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system.	8/5/04	Extension requested until	9/30/05	E

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		treatment meets a listed exemption.	wastewater cannot be discharged to DuPont's Bioponds and as a result may be required to obtain a hazardous waste treatment permit, unless such treatment is exempt. The East Conduit ditch does not meet the definition of a tank, tank system, or container; therefore, based on the definition of elementary neutralization unit and wastewater treatment system, the neutralization of the wastewater in the ditch would not qualify for this exemption and would be considered non-permitted treatment of a hazardous waste.	The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.		11/30/05 to develop corrective measures.		
46.1	30 T.A.C. §§ 335.503(a)(1), 335.504	Hazardous waste regulations require generators to evaluate their wastes using testing and/or process knowledge and to properly manage any wastes that are hazardous wastes due to characteristics and/or regulatory listings.	The facility has not adequately evaluated that all wastes discharged as wastewater to the wood-lined wastewater conveyance systems are non-hazardous.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	3/14/05	Extension requested seeks until 11/30/05 to develop corrective measures.	9/30/05	E
46.2	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	Materials resulting from cooling water system leaks have been discharged to the wood-lined wastewater conveyance system.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the	3/14/05	Extension requested seeks until 11/30/05 to develop corrective measures.	9/30/05	E

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				facility submitted a list of TPDES permit items related to this finding to EPA.				
46.3	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	The facility has not identified the source of the wastewater flow for certain individual discharge points into the wood-lined wastewater conveyance system from facility operations.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	3/14/05	Extension requested seeks until 11/30/05 to develop corrective measures.	9/30/05	E
47	TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4	Facilities discharging contaminated water to waters of the State (including groundwater) are required to obtain a National Pollution Discharge Elimination System (NPDES) permit.	Chemically treated water from the ADN cooling towers was observed overflowing from a pipe onto the ground. It is unclear if DuPont's NPDES permit covers such discharges to the ground from INVISTA-owned assets.	The funnel for cooling water blowdown was replaced on 9/23/04 to prevent overflow or splashing.	8/11/04	10/10/04	9/23/04	B,F
47.1	TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4	Facilities discharging contaminated water to waters of the State (including groundwater) are required to obtain a National Pollution Discharge Elimination System (NPDES) permit.	Chemically treated water from miscellaneous sources were observed dripping and running into the DuPont wastewater treatment system. It is unclear if DuPont's NPDES permit covers such discharges to the ground from INVISTA-owned assets.	The facility, upon further review, determined that the wastewaters identified in this finding are covered by DuPont's TPDES permit and therefore this is not a violation.	10/7/04	12/6/04	12/3/04	E
48	40 C.F.R. § 266.103(b)(6)(viii) (B)	Operators of boilers and industrial furnaces subject to RCRA interim status standards must maintain a BIF correspondence file that can be viewed and copied by interested parties. The BIF correspondence file must be kept at the facility site where the device is located, and	The facility did not maintain a BIF correspondence file that could be viewed and copied by interested parties.	A centralized BIF public correspondence file has been established by the facility. Although the facility has established a BIF public correspondence file, please note that per 30 T.A.C. § 335.221(a)(10), 40 C.F.R. §	8/9/04	10/8/04	10/7/04	D,F

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		must include all correspondences between the facility and the Director, state and local regulatory officials, including copies of all certifications and notifications, and copies of EPA and State site visit reports submitted to the owner or operator.		266.103(b)(6) has not been adopted by reference by TCEQ.				
49	40 C.F.R. § 270.72	Except as specifically provided, the owner or operator of an interim status facility may make specified changes at the facility (such as treatment, storage or disposal of new hazardous wastes, increases in design capacity, ownership changes, etc.) so long as a revised Part A application is submitted, in some cases no later than 90 days prior to the change and in some cases only after approval by the Director in accordance with specified criteria. In particular, changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of operational control of a facility occurs, the old owner or operator shall comply with the requirements of 40 C.F.R. part 265, subpart H (Financial Requirements), until the new owner or operator has demonstrated to the Director that he is complying with the requirements of that subpart. The new owner or operator must demonstrate compliance with subpart H	Federal regulations provide for changes to interim status for BIF units provided they meet specific requirements and/or notification periods. The following deficiencies and/or discrepancies were noted regarding interim status operation of the facility's BIF units (i.e., Boilers 5, 7, 8, and ADN Boilers North and South): 1. It is not clear that the facility's change in interim status for Boiler No. 5 to hazardous waste service in 1995 met the requirements for interim status change or if it should have been permitted as a new unit (Note – Boiler No. 5 did not burn hazardous waste prior to 1995). 2. The facility did not provide a revised Part A 90-days prior to ownership change on May 1, 2004. Additional Detail: The facility filed a Part A interim status change request with TCEQ on May 31, 1995 to include Boiler No. 5 as an interim status unit. TCEQ granted the facility interim status for Boiler	1. INVISTA representatives met with TCEQ on 8/26/04 regarding this issue. TCEQ and Region VI determined that all of the BIFs are under interim status. 2. Transfer of operational control of the RCRA permitted units to INVISTA had not yet occurred at the time of the audit. INVISTA met with TCEQ to discuss transfer of operational control of the BIF units to INVISTA. On 1/5/05, INVISTA submitted a revised Part A requesting that interim status be transferred from DuPont to INVISTA, reflecting INVISTA as the owner of the equipment, and reflecting DuPont as the owner of the land. INVISTA requested an extension until TCEQ transferred operational control to INVISTA. TCEQ transferred operational control to INVISTA on 3/1/05.	8/12/04	1. 10/11/04 2. Extension requested until operational control transferred by TCEQ to INVISTA (3/1/05).	1. 8/26/04 2. 3/1/05	1. E 2. E

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		requirements within six months of the date of the change in ownership or operational control of the facility.	No. 5 by letter July 12, 1995.					
50	30 T.A.C. § 324.1 (adopting by reference 40 C.F.R. Part 279 – Standards for the Management of Used Oil); 30 T.A.C. § 324.6; 40 C.F.R. § 279.22(c)(1)	Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."	The following used oil labeling deficiencies were observed: 1. One (1) 55-gallon drum accumulating oily-water from leaking compressor in the Adipic Acid area was not labeled used oil; 2. One used oil dumpster located in Adipic Acid was not labeled; and 3. One (1) 55-gallon drum near a sump by Bldg 5100 was not labeled.	Correct labels were affixed to the drums and dumpster. Communications from first line supervisors and area management were delivered to personnel regarding the labeling requirements for used oil.	8/10/04	10/9/04	8/20/04	B,F
51	30 T.A.C. § 335.69(d); 40 C.F.R. § 262.34(c)(1)	State and federal regulations require satellite accumulation areas to be at or near the point of generation and under control of the operator of the process generating the waste.	A 30 gallon drum of hazardous waste in the new maintenance location in ADN was not under control of the generating operator.	The hazardous waste drum was removed to an appropriate storage area on 8/12/04. The facility verified that its training addresses monitoring and tracking of satellite accumulation areas. The relevant operators received refresher training 10/8/04 on responsibilities for monitoring and tracking satellite accumulation.	8/11/04	10/10/04	8/12/04	C
52	30 T.A.C. § 335.112(a)(3) (adopting by reference 40 C.F.R. Part 265, Subpart D - Contingency Plan and Emergency Procedures, except 40 C.F.R. § 265.56(d)); 40	Federal and state regulations require large quantity generators of hazardous waste to prepare and implement a Hazardous Waste Contingency Plan.	The INVISTA facility has not prepared a site-specific Hazardous Waste Contingency Plan. The facility continues to use the DuPont Hazardous Waste Contingency Plan. The DuPont Plan was not reviewed in detail however, cursory review identified numerous deficiencies, including the following examples: --The plan did not list the names,	A Hazardous Waste Contingency Plan was prepared for the facility and submitted to local emergency response organizations.	8/11/04	10/10/04	10/8/04	A,F

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	C.F.R. §§ 265.51(a) and 265.52(c)-(d)		addresses, and phone numbers (office and home) of INVISTA personnel qualified to act as emergency coordinator; and --The plan did not describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services with the INVISTA section of the Facility.					
53	30 T.A.C. § 335.112(a)(1) (adopting by reference 40 C.F.R. Part 265, Subpart B – General Facility Standards); 40 C.F.R. §§ 265.15(d); 30 T.A.C. § 335.112(a)(9) (adopting by reference 40 C.F.R. Part 265, Subpart J – Tank Systems); 40 C.F.R. §§ 265.195(c)	Federal and State regulations require the facility to conduct and document daily hazardous waste tank inspections.	The facility incorrectly or incompletely filled out the daily inspection form 8 of 31 days in May 2004 for the D12, SWTF tank (i.e., boxes not checked and/or checked that problems were observed).	Upon further review, the facility determined that the facility's area inspection logs included all required inspection information.	8/12/04	N/A	N/A	E
54	30 T.A.C. § 335.69(a) and (b); 40 C.F.R. § 262.34(a) and (b)	A generator may accumulate hazardous waste on-site for 90 days without a permit or interim status. A generator who accumulates hazardous waste for more than 90 days is an operator of a hazardous waste storage facility and is subject to all applicable requirements relating to such facilities unless it is	The facility accumulated hazardous waste from the R&D laboratory in the 400 gallon dumpster, X-15, for 97 days (May 7, 2004 through August 12, 2004) without a permit.	The dumpster was moved to the incinerator area on 8/13/04. The facility's container management procedures were revised on 8/24/04 and determined to be adequate. The root cause for the finding was determined to be employee oversight and the employee was	8/12/04	10/11/04	8/24/04	C

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		granted an extension to the 90-day period.		retrained.				
55	30 T.A.C. § 335.69(d)(2)	A generator, other than a conditionally exempt small quantity generator, may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with certain other requirements provided the generator marks its containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.	One of eight satellite containers observed in the main lab of the Quality Control Laboratory Building #5 was not marked with the words "Hazardous Waste" or with other words that identify its contents.	The container was labeled on 8/13/04. The facility's procedures and training were reviewed and were determined to adequately address labeling. Additional instruction was provided to the personnel involved on 8/20/04.	8/12/04	10/11/04	8/13/04	C
56	40 C.F.R. Part 112, Subpart A	The owner or operator of a facility meeting certain criteria must prepare a SPCC Plan in accordance with good engineering practices. The Plan must meet specific requirements.	The facility's SPCC Plan or SPCC program failed to meet SPCC requirements. The Plan has not been reviewed and amended with respect to current operations, does not contain all of the mandatory information, and has not been implemented or updated. There is no formal oil storage inspection program as required by SPCC regulations, and no SPCC training is being performed as required by the regulations.	A SPCC plan for the facility was revised and certified by Zephyr Environmental, P.E.	8/4/04	10/3/04	10/2/04	A,F
56.1	40 C.F.R. § 112.7(c)	SPCC regulations require secondary containment for certain portable containers.	The facility does not comply with secondary containment requirements of SPCC rules for certain portable containers	The facility moved all portable containers that did not comply with secondary containment requirements to storage areas with secondary	9/8/04	11/7/04	10/2/04	A,F

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				containment.				
57	30 T.A.C. Chapter 334, Subchapter F	An AST is subject to particular regulations only when such tank: (A) meets the definition of "aboveground storage tank;" (C) is not exempted from regulation in §334.123 of this title (relating to Exemptions for Aboveground Storage Tanks (ASTs); and (D) is not excluded from regulation in §334.124 of this title (relating to Exclusions for Aboveground Storage Tanks (ASTs).	On-site ASTs >1,100-gallons that store petroleum products are subject to registration, certification, and reporting requirements (i.e., the diesel fuel tank for the air compressors at Adipic Acid). Based on the facility's NAICS code of 325199, the facility would not meet the exemption from the AST requirements for petrochemical facilities.	Upon further review, the facility determined that TCEQ interprets the term "petrochemical" according to its dictionary definition and not by NAICS Code. Therefore, as long as the raw materials used at the facility derive from petroleum or natural gas, the exemption for ASTs at "petrochemical" facilities is satisfied. The use of chemicals like butadiene, cyclohexane, hydrogen, ethylene, and natural gas at the Sabine plant satisfies this requirement. Thus, the facility concluded that this finding did not represent a violation because the facility satisfies the exemption from the registration, certification, recordkeeping and other requirements in the state AST program.	8/4/04	N/A	N/A	E
58	40 C.F.R. § 144.32(b)	Permit applications (except those submitted for Class II wells) must be signed by a responsible corporate officer, as defined. All reports required by permits, other information requested by TCEQ, and all permit applications submitted for Class II wells under §144.31 must be signed by a responsible corporate officer (defined above), or by a duly authorized representative of that person, as defined. Any person signing a document described above must make a	The following items were noted from the review of documentation submitted to TCEQ pertaining to the UIC wells: 1. The annual testing report for Well 9 (WDW-191) was submitted on May 7, 2004 by an INVISTA employee on DuPont letterhead; 2. The annual testing report for Wells 3, 4 and 9 (WDWs – 54, 55 and 191) was submitted on March 26, 2004 by an INVISTA employee on DuPont	The reports cited in the finding were submitted by DuPont. The facility has established procedures to ensure that reports are signed by a responsible officer or a duly authorized representative and the certification requirements are met.	8/17/04	10/16/04	10/12/04	B,F

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		specific certification set forth in the regulations.	Letterhead; and 3. Quarterly reports dated July 21, 2004, April 14, 2004 and January 20, 2004 were signed by INVISTA employees. The July 2004 report was co-signed by both INVISTA and DuPont employees. Note: DuPont continues to maintain the permits for the wells and facility files did not include written delegation of authority to any of the individuals signing reports for either DuPont or INVISTA.					
59	30 T.A.C. § 331.64(a)(1)(A)	State of Texas regulations require owners or operators of injection wells to develop and follow an approved written waste analysis plan. Specifically, injection fluids must be sampled and analyzed with a frequency sufficient to yield representative data of their characteristics. The waste analysis plan must describes the procedures to be carried out to obtain a detailed chemical and physical analysis of a representative sample of the waste, including the quality assurance procedures used. Minimum requirements for the plan are set forth in the regulations.	The following deficiencies were noted regarding the facility's written waste analysis plan: Facility files did not include documentation showing approval from the State of Texas for the facility's waste analysis plan; and The plan did not include all of the parameters for which the waste will be analyzed and the rationale for the selection of these parameters.	The Waste Analysis Plan was modified to incorporate the additional detail noted in the finding, and submitted to DuPont (current permittee) on 10/13/04 for submittal to the State for approval.	8/17/04	10/16/04	10/13/04	D,F
60	40 C.F.R. § 355.40(b) 30 T.A.C. §§ 101.1 and 101.201	Facilities are required to report emissions events where an unauthorized emission equal to or in excess of a Reportable Quantity (RQ) is emitted in a 24-hour period	In the Adipic Acid process, the High Pressure Scrubber (HPS), Low Pressure Scrubber (LPS), Steam Still, Steam Still Decanter, and Aqueous Decanter vent to	For compliance with Texas regulations, the facility has determined that under state emissions event reporting rules, the facility is not required to aggregate	8/4/04	N/A	N/A	E

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		as a result of an upset event or unscheduled maintenance, startup or shutdown activity that results in unauthorized emissions. The owner or operator of the facility must, as soon as practicable, but not later than 24 hours after the discovery of an emissions event, determine if the event is a reportable emissions event, and if the emissions event is reportable, notify the appropriate TCEQ regional office and all appropriate local air pollution control agencies.	atmosphere during upset conditions (system interlocks) when off-gas from these units cannot be vented to the cogen. During these upsets, the facility does not aggregate all affected emission points when making a determination of whether or not an emissions event is reportable. Instead, the facility compares each affected emission point individually against the RQ. Additionally, the facility does not compare facility-wide emissions during these upsets against CERCLA release RQs to determine if a reportable CERCLA release has occurred. Note: Until 18 months ago, the facility considered both HPS and LPS emissions when making a reportable emissions event determination. The facility stated that TCEQ personnel told the facility they could make their determinations based on individual affected emission points instead of an accumulation of emission points affected by a single emission event. The facility did not have any emissions events in 2003 or 2004 that would have been reportable had they considered both the HPS and LPS vents in their determinations.	emission points for determining whether a reportable quantity has been triggered. An "emissions event" is defined as "any upset event or unscheduled maintenance, startup, or shutdown activity that results in unauthorized emissions from an emissions point." Therefore, the facility concluded that it has been properly determining whether an emissions event is reportable under the applicable state rules. For EPCRA reporting, all releases site-wide are to be aggregated. However, the facility has confirmed that even if aggregated, no RQs of federally reportable substances are believed to have been emitted. The facility is currently aggregating emissions for EPCRA purposes and reporting when necessary.				
61	40 C.F.R. § 156.10(a)	Federal pesticide regulations require bulk storage tanks holding registered pesticides to have a legible copy of the approved pesticide label attached to the tank.	The following deficiencies were noted regarding management of registered pesticides: Three bulk storage tanks of 12% sodium hypochlorite (Registered	The containers were appropriately labeled on 9/22/04, and were upgraded on 9/30/04 as necessary to comply with additional requirements	8/11/04	10/10/04	9/30/04	B,F

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		The label must appear on or be "securely attached" (as defined) to the immediate container of the pesticide product.	Pesticide # 813-16) were observed without the appropriate labels (cooling water treatment for Adipic Refining – Building 5100, Cyan Oxidation Water Treatment and #4 AOP water treatment); and A copy of the label was not maintained on-site to determine if the pesticide was being used and stored in a manner consistent with its labeling.	contained in the label.				
62	TSCA §12(b) 40 C.F.R. § 707.65	TSCA requires any person who exports or intends to export a chemical substance or mixture to notify EPA of such exportation to a particular country if certain circumstances exist.	Since May 1, 2004 the facility has exported cyclohexanol (CAS # 108-93-0) in 3 barge shipments to Houston with England as the final destination and has not submitted an export notification to the EPA.	The TSCA Section 12(b) notification for cyclohexanol was made by the facility on 8/27/04 and required records were maintained. The shipment was made to the Netherlands.	8/10/04	10/9/04	8/27/04	B,F

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1	40 C.F.R. § 82.166(b)	Purchasers of refrigerant who employ certified technicians may provide evidence that at least one technician is properly certified to the wholesaler who sells them refrigerant; the wholesaler must then keep this information on file and may sell refrigerant to the purchaser or his authorized representative even if such purchaser or authorized representative is not a properly certified technician.	Federal regulations require the facility to provide evidence to the seller of refrigerants that it employs at least one certified technician prior to the purchase of any refrigerant. HMD and ADN purchase refrigerant (R-22 and HFC 134a) as needed. No evidence of such notification was found. Note: Purchase records are not sufficiently maintained to determine if refrigerant had been purchased since acquisition on May 1, 2004.	The facility has concluded that there was no violation of the cited requirement. The regulations provide that the purchaser "may" provide evidence that at least one technician is properly certified. If it does, and then it no longer has a certified technician, it "must" notify the seller. Unless there is evidence that the facility had provided such notice, then no longer had a certified technician, and then failed to notify of the change, there is no violation. Further, the purchaser of refrigerant is not required to maintain evidence that it notified the seller that it employs at least one certified technician. Nevertheless, the facility established a system to ensure that proper notice is provided upon purchase of CFCs.	8/4/04	10/3/04	9/28/04	E
2	TCEQ Air Permit No. 1790, Condition No. 14J.	Operation without visible liquid leaks or spills shall be maintained at all loading/unloading facilities, regardless of vapor pressure. This does not apply to momentary dripping associated with the initial connection or disconnection of fittings. Sustained dripping from fittings during loading/unloading operations is not permitted.	Conditions of the facility's NSR Air Permit No. 1790 for Adipic Acid production prohibit sustained dripping from fittings during loading/unloading operations. The facility's loading and unloading SOPs (i.e., methanol, AA, etc.) did not specify that sustained leaks during loading and unloading are not permitted. Note: The Wet Ketone Alcohol (WKA) loading SOP does address leaks during the process and indicates that the operator must stop the loading and fix the leak.	The cited permit does not require the facility's SOP to specify that sustained leaks are not permitted. The facility has a procedure, however, specifying that sustained leaks are not permitted.	8/4/04	N/A	N/A	E

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3	30 T.A.C. § 122.165(c)	State of Texas regulations require Title V Semi-Annual Monitoring Reports and Annual Compliance Certifications to be signed by a responsible official, as defined, or a duly authorized representative, as defined.	The Title V Semi-Annual Monitoring Report and Annual Compliance Certification (both submitted July 2004) for the ADN Boilers (Permit No. O-02075) were not signed by a responsible official as defined by regulation. Note: The report and certification were signed by the powerhouse unit manager.	At the time of this finding, DuPont held this permit and operated the ADN boilers, and submitted the June 21, 2004 certification. Now that permit has been transferred, the facility has a responsible official or duly authorized representative sign any required reports and certifications.	8/9/04	N/A	N/A	E
4	30 T.A.C. § 122.146	The Title V Permit for the Adipic Acid production facility requires compliance with the Texas Compliance Certification Terms and Conditions. The annual compliance certification must include or reference (among other items) the identification of each term or condition of the permit for which the permit holder is certifying compliance, the method used for determining the compliance status of each emission unit, and whether such method provides continuous or intermittent data.	The facility's first Compliance Certification was due in September 2004. The facility cannot certify compliance with the Vent Gas Control monitoring and recordkeeping requirements for the cogen units at Conoco and/or DuPont, as the facility does not have direct access to Conoco and DuPont data. Additionally, after a cogen outage, there is no procedure where INVISTA is notified when the cogen units have reached the appropriate destruction temperature. INVISTA personnel are not aware of any controls that prevent them from venting to the cogen units until the destruction temperature has been reached. INVISTA only documents the period of time that the Adipic Acid process vents to atmosphere so it is possible that there are periods during each cogen startup, prior to the units reaching destruction temperatures that should be documented as deviations as well.	In September 2004 and 2005, the facility submitted annual compliance certifications pursuant to 30 T.A.C. 122.146. Because the facility did not have direct access to Conoco and DuPont data, the certifications both stated that the facility could not certify continuous compliance with the Vent Gas Control monitoring and recordkeeping requirements for the Cogen units at Conoco and DuPont. The facility has received and reviewed the information requested from DuPont and Conoco and has concluded that it now has access to the data needed to make the appropriate certification.	8/9/04	10/8/04 By letter dated 5/31/05, the facility requested an extension until 10/31/05.	10/31/05	B,F

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5	TCEQ Air Permit No. 1303, Special Condition No. 6	The maximum allowable emission rates table allowable emissions for EPNs PE-20 and PE-21 include the emissions associated with six unit shutdowns in any 12-month period. The emissions from these emission points must be recorded following each shutdown. The emissions are to be calculated based on the duration of gas flow, estimated gas flow rate, concentration of ammonia in the absorber water, and temperature of the absorber water during the startup or shutdown. The permit holder must notify the TNRCC Regional Office prior to any unit shutdown as required by Section 101.7 of the TNRCC General Rules (now repealed). T.A.C. requires the owner or operator of a facility conducting a scheduled maintenance, startup, or shutdown activity to notify the appropriate TCEQ regional and all appropriate local air pollution control agencies at least ten days prior to any scheduled maintenance, startup, or shutdown activity which is expected to cause an unauthorized emission which equals or exceeds the reportable quantity and/or an activity where the owner or operator expects only an excess opacity event that is subject to §101.201(e) (relating to Emissions Event Reporting and Recordkeeping Requirements).	Special Condition 6 of the facility's HMD NSR Air Permit No. 1303 requires the facility to notify the TCEQ regional office prior to any unit shutdown, by referencing a regulation (Section 101.7) that has been repealed. Therefore, the permit's Special Condition 6 language currently requires this advance notification, even though current regulation Section 101.211(a) would not require the advance notification. The facility does not notify TCEQ before planned shutdowns. Note: While Section 101.7 has been repealed, Section 101.211(a) requires 10-day advance notification of planned shutdowns only if emissions are "unauthorized emissions that are expected to exceed a reportable quantity." Emissions from the planned shutdowns are "authorized" since the permit condition includes reference to six shutdowns per 12-month period and only 3-4 occur each year at HMD. Also, emissions from HMD shutdowns have not exceeded a reportable quantity during the audit period. The facility currently has a permit renewal application for Permit No. 1303 under review at TCEQ and has informed TCEQ in the transmittal letter that it "would like to clean up the Special Conditions section."	Prior to its repeal, 30 T.A.C. § 101.7(b) provided that "the owner or operator shall notify the [TCEQ] . . . at least ten days prior to any maintenance, start-up, or shutdown which is expected to cause an unauthorized emission which equals or exceeds the reportable quantity in any 24-hour period." Therefore, even as the permit is written, notification is required only if the maintenance, start-up, or shutdown is expected to cause an unauthorized emission which equals or exceeds the reportable quantity. According to the finding, emissions from HMD shutdowns are not expected to, and in fact, have not exceeded a reportable quantity during the audit period. Nevertheless, the facility requested, in its cover letter accompanying its HMD permit revision, that Special Condition No. 6 be changed to reference Section 101.211.	8/10/04	N/A	N/A (Letter to TCEQ submitted 10/11/04) See Tab 18.B	E

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6	30 T.A.C. § 335.221(a)(14)(adopting by reference 40 C.F.R. § 266.103(h)-(l) – Interim Status Standards for Burners: Fugitive Emissions; Changes; Monitoring and Inspections; Recordkeeping and Closure, respectively); 40 C.F.R. § 266.103(j); 30 T.A.C. § 335.112(a)(1)(adopting by reference 40 C.F.R. Part 265, Subpart B – General Facility Standards); 40 C.F.R. § 265.15(d)	Owners/operators of BIFs must perform certain monitoring and maintain certain records while burning hazardous waste. The BIFs and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspections when they contain hazardous waste, at least daily, for leaks, spills, fugitive emissions, and signs of tampering. The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every 7 days when hazardous waste is burned to verify operability, unless the owner or operator can make certain demonstrations. The BIF owner or operator must record inspections in an inspection log or summary (containing certain required information), and must keep these records for at least three years from the date of inspection.	The following deficiencies and/or discrepancies were noted regarding the facility's RCRA BIF Shift Report reviewed for the period of May 1, 2004 through July 31, 2004: The Date/Time entries are routinely not populated; and The box was not checked indicating that the automatic waste feed cut-off was checked for boiler No. 8 during the week of May 28, 2004.	At the time of this finding, DuPont held the permit and was the operator of the BIFs and was performing inspections and maintaining records.	8/10/04	N/A	N/A	E
7	40 C.F.R. Part 60, Subparts A, NNN, and RRR	Federal regulations for certain reactors and distillation columns require notification once a source becomes subject to a New Source Performance Standard (NSPS), and compliance with applicable standards, recordkeeping and reporting requirements.	HMD made several modifications since 1984 that increased production from 500 MM lbs/yr to 740 MM lbs/yr, and increased throughput through the reactor units and distillation units. Documentation was not available at the time of the audit to definitively determine if the changes in HMD triggered NSPS notification for distillation units (Subpart NNN) and reactor units (Subpart RRR). Examples of	The facility determined that the physical changes did not trigger NNN or RRR requirements. Documentation supporting this conclusion is maintained at the facility.	8/10/04	N/A	N/A	E

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			modifications that potentially triggered NSPS include: --Installation of a high pressure heat exchanger that allowed for an increase in throughput through the B distillation columns in refining (1985); --Replacement of distillation trays with structured packing in the refining B distillation columns, providing for an increase in throughput through the B distillation columns (1990); --Installation of isolation valves and air coolers that increased the throughput in the converters and in the synthesis recovery distillation units (1992-93); and --Installation of additional coolers in synthesis, allowing for an increase in throughput in converter B (1998).					
8	40 C.F.R. §§ 60.112b(a)(1)(i)	Federal regulations require all internal floating roofs to meet specified requirements. The internal floating roof must rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or	The annual tank inspection for Tank #42, conducted June 7, 2004, noted that the internal floating roof was not floating on the surface of the liquid.	The tank level graph was reviewed and it showed that the internal roof was above the minimum level, and that the notation in the inspection log was incorrect.	8/17/04	N/A	N/A	E

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		refilling shall be continuous and shall be accomplished as rapidly as possible. If certain conditions are detected during the required annual visual inspection, a report containing specified information must be furnished to EPA within 30 days of the inspection.						
9	40 C.F.R. Part 61, Subpart FF	An owner or operator must determine the total annual benzene quantity from facility waste using specified procedures.	Documentation and analytical data are insufficient to determine the benzene content (and subsequently Subpart FF applicability) in the PAI process unit.	The facility has conducted a facility-wide stream identification process (including the PAI process unit) to account for all benzene waste streams and to properly identify the points of generation for the identified streams. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/17/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
10	30 T.A.C. Chapter 117, Subchapter B, Division 3	No person shall allow the discharge into the atmosphere from any unit subject to a NOx emission limit in this section (including an alternative to the NOx limit described in the regulations) from ammonia emissions in excess of 20 ppmv based on a block one-hour averaging period. Units exempted from the emissions specifications of this section include industrial, commercial, or institutional boilers or process heaters with a maximum rated capacity less than 100 MMBtu/hr, and boilers and industrial furnaces that were regulated by EPA as	Facility was required to submit (by November 1999) a Final NOx Compliance Plan (FCP) for specific NOx sources located in the Beaumont/Port Arthur ozone nonattainment area. The facility listed Boiler No. 5 as an exempt BIF unit on its Final Compliance Plan submitted November 1999; however Boiler No. 5 did not meet the definition of an "existing unit" (burning waste prior to August 21, 1991) under the indicated exemption.	TCEQ and Region VI have confirmed Boiler 5 is in interim status. Thus, Boiler 5 qualifies for the referenced exemption from the NOx RACT regulations.	8/12/04	N/A	N/A	E

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		existing facilities under 40 C.F.R. Part 266, Subpart H, as in effect on June 9, 1993.						
11	30 T.A.C. § 117.520	State regulations require each industrial, commercial, and institutional source in the Beaumont/Port Arthur ozone nonattainment area to submit a NOx Final Control Plan for major sources of NOx emissions as soon as practicable, but no later than the dates specified in the regulations.	The facility had not submitted a NOx Final Control Plan for INVISTA assets that were included in the Final Control Plan (i.e., Alternative Plant-Wide Control Plan) submitted by DuPont in November 1999. It was not clear that emissions from the INVISTA-owned assets could be included with the DuPont Alternative Plant-Wide Control Plan.	The facility originally planned to meet with TCEQ to discuss this finding. Prior to meeting with TCEQ, on 10/27/04, the facility determined that all INVISTA assets included in the previously filed 1999 Final Control Plan are exempt from NOX RACT emissions specifications pursuant to 30 T.A.C. 117.205(b)(3). Accordingly, the facility did not need to meet with TCEQ.	8/17/04	N/A	N/A (on 10/27/04, the facility determined all assets were exempt).	E
12	30 T.A.C. Chapter 116, Subchapter B, Division 6	Each proposed new major source or major modification in an attainment area must comply with the PSD requirements.	The facility did not maintain a PSD netting table. Based upon interviews with facility personnel (DuPont and INVISTA), the PSD netting table is not readily available and had not been updated for approximately four years.	There is no regulatory requirement for the facility to maintain a PSD netting table and no violations of PSD permitting requirements were identified.	8/17/04	N/A	N/A	E
13	Procedural Letter from EPA - 1992	EPA recognizes that the facility "will normally operate this boiler while burning non-fossil fuels." The requirement to continuously monitor emissions for particulate matter, sulfur dioxide, and nitrogen oxides or carbon dioxide is applicable only during periods when the facility burns 100% fossil fuels. In lieu of the quarterly reports required in 40 CFR 60.7(c) EPA requested that for each quarter the facility specify the times when the 2 ADN Boiler burned 100% fossil fuels. Nothing in the letter prevents EPA from requiring additional monitoring requirements at a future	The facility submits quarterly notifications to TCEQ that the ADN No. 2 boiler did not burn 100% fossil fuels. However, discussions with facility personnel indicate that the No. 2 boiler burns only methane (100% fossil fuel) during periods of start-up and shut-down.	The EPA letter does not prohibit the burning of 100% fossil fuels, only that EPA be notified when such an event occurs (in lieu of filing the quarterly reports). DuPont, as the prior holder of the permit, was required to submit the reports specifying the times when the ADN boiler burned 100% fossil fuels.	8/17/04	N/A	N/A	E

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		date.						
14	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater); 40 C.F.R. §§ 63.11(b)(4) and 63.113(a)(1)(i)	Federal regulations require group 1 process vents to be controlled by a flare that is operated with no visible emissions except for a total of 5 minutes in any 2 hour period. Test Method 22 in Appendix A of part 60 of this chapter must be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and must be used according to Method 22.	The ADN operating flare, which controls the group 1 process vents, was noted in the facility log as smoking for 40 minutes on July 3, 2004. It is unknown if the emissions were read in accordance with Method 22.	Upon further review, it was determined that the facility reported the opacity exceedances to TCEQ on 7/3/04. Method 22 "is applicable for the determination of the frequency of visible smoke emissions from flares." It applies to determine compliance based on the frequency of visible smoke emissions compliance during a two-hour period, but does not address visible smoke emissions during an upset event. Method 22 therefore does not apply to this finding.	8/18/04	N/A	N/A	E
15	30 T.A.C. §§ 106.4(a)(1) and 116.110(a)	To qualify for a permit by rule, total actual emissions from the facility that are authorized under the permit by rule must not exceed 250 tpy of CO or NO; or 25 tpy of VOCs or SO2 or PM10; or 25 tpy of any other air contaminant except carbon dioxide, water, nitrogen, methane, ethane, hydrogen, and oxygen. Facilities authorized to be constructed and operate under a PBR must retain records containing sufficient information to demonstrate compliance with all applicable general requirements.	The facility does not track PBR authorized emissions to ensure that maximum allowable emission rates are not exceeded. Note: PBR emissions include those that are registered with the state as well as those that are covered under a standard PBR exemption. An emission netting table should include PBR registrations and self-exemption PBRs, and would exclude previous PBRs that had since been rolled into a new source review permit.	Upon further review, the facility has determined that no PBR netting table is required by the regulations. Nonetheless, the facility is evaluating improvements to track PBR emissions.	8/21/04	N/A	N/A	E
16	40 C.F.R. § 266.103(d)	The owner or operator must conduct compliance testing and submit to TCEQ a recertification of compliance within three years from	Federal regulations require triennial compliance testing and certification for the operation of boilers burning hazardous waste. The facility did	At the time of this finding, the facility did not operate the BIFs. Previously the facility has requested and received annual deferrals from	8/4/04	N/A	N/A	E

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		submitting the previous certification or recertification.	not conduct and submit a compliance recertification for the BIF units within three years of the previous submittals in calendar year 1995.	TCEQ starting in 1998.				
17	30 T.A.C. Chapter 334	An UST system is subject specified regulations (i.e., registration, self-certification, design, construction, installation, operation, testing, maintenance, upgrading, recordkeeping, reporting, removal from service, release monitoring, release reporting and corrective action, fee assessment, financial assurance and other applicable requirements) only when such system: (A) meets the definition of UST system under applicable regulations; (B) contains, has contained, or will contain a regulated substance (as defined); (C) is not completely exempted from regulation under applicable regulations; and (D) is not completely excluded from regulation under applicable regulations. Flow-through process tank—A tank through which regulated substances flow in a steady, variable, recurring, or intermittent manner during, and as an integral part of, a production process (such as petroleum refining, chemical production, and industrial manufacturing), but specifically	Sumps that exist within process areas and tank farms are greater than 110 gallons in capacity and are used to contain regulated substances that are inadvertently released, or are purged from the system. The content and use of these sumps are not clearly nor consistently identified, and so information is not available to determine applicability under either UST or RCRA regulations.	The facility further reviewed the finding and determined on 8/25/04 that the sumps may be exempt from the UST requirements under one of the exclusions or exemptions identified at 30 T.A.C. §§ 334.3 or 334.4. A sump-by-sump inventory and analysis was conducted to confirm that this exemption applies. On 11/15/04, the facility concluded that there is no violation as the sump inventory analysis concluded that all sumps are either exempt pursuant to 30 T.A.C. § 334.3(a)(5) or (6) or excluded pursuant to 30 T.A.C. § 334.4(a)(4).	8/5/04	Extension requested until 12/31/04 to complete sump inventory as per letter dated 11/9/04.	N/A (on 11/15/04, the facility determined that sumps were exempt).	E

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		excluding any tank used for the static storage of regulated substances prior to their introduction into the production process and any tank used for the static storage of regulated substances which are products or by-products of the production process.						
18	30 T.A.C. § 305.64(b)(3) and (e)	Except as provided otherwise in the applicable regulations, either the transferee or the permittee must submit to TCEQ an application for transfer of permits at least 30 days before the proposed transfer date. The application must contain specified information.	Original notification of the transfer of ownership for the four Underground Injection Control (UIC) Waste Disposal Well Permits was made March 16, 2004, 45 days prior to the proposed change of ownership. However, INVISTA was unable to provide proof of financial responsibility when the change of ownership became effective and thus the ownership of the UIC permits did not change. In a July 30, 2004 letter from the TCEQ to INVISTA, the TCEQ is also requiring INVISTA to begin a Corrective Action process to determine if Corrective Action will be required, citing 40 C.F.R. 264.101, Corrective action for solid waste management units.	The facility submitted a request to transfer the permits on 3/16/04. Final draft permits were issued by TCEQ on October 18, 2004.	8/17/04	N/A	N/A	E

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1	TNRCC Permit 1302 Special Condition No. 9; 30 T.A.C. § 116.115(c)	Within 60 days of start-up of the expanded facility production, the facility must submit documentation which demonstrates that the facility is achieving compliance with all the conditions of the permit. A sample of each record sheet required by any condition and a listing of all testing required with test dates is to be included in this information.	The facility had not submitted the documentation to demonstrate compliance to TCEQ (the NSR permit was issued in November 1994 and expires in November 2004). NSR Air Permit Condition No. 1302 required the facility to submit documentation to TCEQ within 60 days of startup of the ADN Production Facility demonstrating compliance with all the conditions of the ADN NSR permit.	This is a past requirement that INVISTA is unable to correct. The ADN Permit renewal application was submitted on July 14, 2004. INVISTA is working with TCEQ as the permit renewal is processed to conduct any compliance demonstrations required by the new permit.	8/4/04	10/3/04 By letter dated 12/15/04 the facility requested an extension until 60 days after issuance of ADN permit.	11/18/04 (Met with TCEQ to discuss resolving as part of permit renewal) See Tab 18.B	D,F
2	TCEQ Air Permit No. 1302, Condition No. 8; 30 T.A.C. § 116.115(b)(2)(F)	The total emissions of air contaminants from any of the sources of emissions listed in the table entitled "Emission Sources – Maximum Allowable Emission Rates" must not exceed the values stated on the table attached to the permit.	The emission inventories submitted to TCEQ indicate that the Operating Flare, HCN Startup Flare, and Fugitive Sources exceeded the allowable annual limits as provided by the following example for the ADN Operating Flare: CO (Permit Limit = 74.12 ton/yr) 2003 actual/reported: 78.519 ton/yr 2002 actual/reported: 130.931 ton/yr NOx (Permit Limit = 3.28 ton/yr) 2003 actual/reported: 35.191 ton/yr 2002 actual/reported: 15.501 ton/yr The emissions exceedances were the	An interim permit for the operating flare was issued by TCEQ. The facility submitted to TCEQ refined fugitive modeling on 10/15/04. The facility is awaiting TCEQ review of the fugitive modeling.	8/4/04	10/3/04 Extension requested until TCEQ issues the permit.	10/15/04 See Tab 18.B	B,F

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			result of updated process information, not increased production rates or process changes. The facility submitted a permit amendment to TCEQ in December 2003 and a permit renewal in July 2004 to increase the maximum allowable limits, and is awaiting issuance of approval of a revised permit from TCEQ for VOC Fugitives and Operating Flare.					
3	30 T.A.C. § 115.216(3)	The owner or operator of each VOC loading or unloading operation in the covered attainment counties or in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas shall maintain specified information regarding VOC transfers for at least two years at the facility.	The tank truck loading inspection forms for the ADN area do not record the date of the last leak testing of each tank-truck (the forms only have an "Inspection Date Not Overdue" line with an option to check 'Yes' or 'No'). In addition, forms are not always completed. For example, on a P-110 Waste transfer inspection form dated 12/23/2003, the "Inspection Date Not Overdue" line was not completed.	The facility revised its material shipping and receiving procedures (Procedure SP33) and implemented the revised procedures, and updated its loading/unloading inspection form, to address the issues raised in this finding.	8/17/04	10/16/04	10/14/04	B,F
4	TCEQ Air Permit No. 9468, 30 T.A.C. §§ 116.110(a) and 116.116(a)	Any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants must, prior to beginning construction, either (1) obtain a permit; (2) satisfy the conditions for a standard permit; (3) satisfy the conditions for a flexible permit; (4) satisfy the conditions for a permit by rule; or (5) satisfy the criteria for a de minimis facility or source.	The facility's Nitric Acid NSR Permit (Permit No. 9468) did not recognize nitrous oxide (N2O) emissions. Note: The facility submitted a permit renewal application in March 2004 to TCEQ for the omitted pollutant.	The facility submitted a permit amendment application to cover nitrous oxide emissions from the Nitric Acid facility on 6/3/03. The facility submitted an updated permit renewal application in March 2004 following discussions with TCEQ. After further discussions with and concurrence by TCEQ, on 3/2/05, the application was withdrawn so that it could be coordinated and simultaneously processed with	8/17/04	10/16/04 Extension requested until permit issuance per letter dated 1/20/06.	Pending See Tab 18.A	D,F,A

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				revisions that were needed for Permit 1790. The facility will submit an application to amend NSR Permit No. 9468 by 1/31/06.				
5	30 T.A.C. §122.145 and 146.5	Unless otherwise specified in the permit, the permit holder must to TCEQ, in writing, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.	The Nitric Acid facility did not include the eight identified deviations in submitted semi-annual deviation reports and annual compliance certifications: 1. The facility has not been conducting a RATA once every 4 quarters as required by 40 C.F.R. 60, Subpart G; 2. The facility is not notifying the TCEQ verbally at least 15 days prior to CEMS performance evaluations and is not providing written notification within 15 days after testing is completed; 3. The facility quarterly NSPS compliance reports are not signed by a responsible official, and do not contain the required certification of accuracy and completeness statement; and 4. The facility is not reporting excess emissions during startups and shutdowns of the Nitric Acid plant.	The first three events were included as deviations in the annual certification submitted on 9/21/04. Upon further review, there were no excess emissions during startups and shutdowns of the Nitric Acid plant, thus, no reports required.	8/17/04	10/17/04	9/21/04	1. B,F 2. B,F 3. B,F 4. E
6	NSR Permit No. 1303, Maximum Allowable Emission Rate	The Maximum Allowable Emission Rate Table (MAERT) in NSR Permit 1303 limits emissions of ammonia to 0.29 lb/hr and emissions	The HMD facility had the following emissions which were greater than levels allowed in NSR Permit No. 1303:	These upset events were appropriately documented and no further action is required to date. These emissions were properly reported in the facility's subsequent	8/12/04	N/A	N/A	C

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	Table	of VOCs to 0.20 lb/hr, respectively.	June 23, 2004 – release of ammonia, and VOC emissions from NESHAPs vent PE-25. Ammonia (1.55 lb) and VOC (0.65 lb) emissions in 36 minutes exceeded the allowable emission rates listed in NSR Permit 1303 MAERT of 0.29 lb/hr and 0.20 lb/hr, respectively.	TRI and EI submissions.				
7	40 C.F.R. 265 Subpart J	Any person who intends to store, process, or dispose of industrial solid waste without a permit, shall notify the TCEQ that storage, processing, or disposal activities are planned at least 90 days prior to engaging in such activities.	The facility did not notify the TCEQ at least 90-days prior to storing, processing, or disposing of hazardous waste. The most recent amendment to the NOR, submitted by INVISTA, was submitted July 7, 2004.	The requisite information was submitted to TCEQ on July 7, 2004.	8/12/04	10/11/04	7/7/04	C
8	30 T.A.C. § 331.65(b)(1)	Permittees of non-commercial facilities must submit quarterly injection operation reports to TCEQ on specified forms, within 20 days after the last day of the months of March, June, September, and December.	The report for the second quarter 2004 (one of four quarterly reports reviewed) was submitted after the deadline of the 20th of the month following the end of the quarter. The report was submitted on July 21, 2004.	The facility has reviewed the Compliance Calendar and confirmed that the appropriate deadline is identified.	8/16/04	10/15/04	7/21/04	C
9	30 T.A.C. § 116.115(b)(2)(E)(i)	The flare shall operate with no less than 98 percent efficiency in disposing of the carbon compounds captured by the collection system. Any vent gas streams affected by §115.121(a)(2) of this title must be controlled properly with a control efficiency of at least 98% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion	The facility has not maintained the documentation to demonstrate compliance with NSR Air Permit No. 1302, which requires 98% destruction efficiency for the start-up flare.[A]	The facility originally requested an extension of the time period for corrective action because of the complexity of the issue. INVISTA is continuing to work with EPA and TCEQ to resolve this issue. This review and the compliance options will address, among other things, compliance with the HCN MACT requirements (40 CFR Part 63 Subpart YY), which took effect on	8/4/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F

[A] This finding arose as part of the implementation of the Compliance Assurance Management System ("CAMS") and was provided to the auditor during the audit.

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		devices): (A) in a smokeless flare; or (B) by any other vapor control system, as defined in §115.10 of this title. The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit.		7/12/05. INVISTA notified EPA and TCEQ on 7/11/05 that the flare would not meet some of the HCN MACT requirements as of the effective date due to the previously identified design issues.				
10	TCEQ Air Permit No. 1790, Special Condition No. 10	A. Ketone Alcohol Barge Loading/Unloading associated with EPN 5LBA-048 may not exceed 33,600,000 pounds per calendar year and 118,800 pounds per hour.	SELF-IDENTIFIED AND PARTIALLY RESOLVED MAY 2004[A] The facility exceeds the specified rate during the barge unloading process based on the maximum pump rate capability of the barge unloading pump (700 gallons per minute versus the original estimate of 250 gallons per minute). Note: The facility has prepared a Permit By Rule notification mid-May 2004 to increase the hourly limit. The barge unloading pump is a DuPont asset, while the receiving tank is owned by INVISTA.	A PBR modification to address this finding was submitted to TCEQ on 9/27/04.	8/9/04	10/8/04	9/27/04	B,F
11	40 C.F.R. §§ 61.343(a) and (e)(1)	Facility owner or operator must install, operate, and maintain an enclosure and closed-vent system that routes all organic vapors vented from the tank, located inside the enclosure, to a control device in accordance with specified	The APF filter press outer enclosure in ADN waste treatment was not vented to a closed vent system and control device from 1992 until June 2004; the outer enclosure was vented to atmosphere.[A] Note: APF emissions include	This event has been reported to EPA and TCEQ. The auto press filter has been shutdown until appropriate controls are in place.	5/19/04	7/18/04	6/1/04	A,F

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		requirements. Tank must be located inside a total enclosure that must be designed and operated in accordance with specified criteria for a permanent total enclosure.	compounds such as benzene, hydrogen cyanide, cyclohexane, cresol, and organic nitriles.					
12	30 T.A.C. § 331.63 Operating Requirements	The annulus between the tubing and long string casing must be filled with a non-corrosive or corrosion-inhibiting fluid approved by the commission. The annulus pressure must be at least 100 psi greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones and to detect well malfunctions.	State operating requirements for deep wells include maintaining an annulus pressure greater than 100 psi. The facility did not maintain the minimum annulus pressure for two separate nineteen minute periods during the second quarter 2004 when the annulus differential pressure fell below the permitted minimum of 100 psi.[A]	The facility reported this deviation on the 2nd quarter Injection Report.	8/16/04	10/15/04	7/21/04	C

[A] This finding arose as part of the implementation of the Compliance Assurance Management System ("CAMS") and was provided to the auditor during the audit.

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			Exceptions					
1	40 C.F.R. § 63.152(b)	Federal regulations require submittal of Implementation Plan, Notice of Compliance Status, and Periodic Reports. The reports should, among other things, identify equipment subject to the HON, how they are controlled, and information addressing the compliance status of subject equipment.	The Notice of Compliance Status (NOCS) report that was submitted did not identify the specific emission points at the plant. The requirement to include group determinations in the reports indicates that the specific emission points that have such determinations be identified in the report.	This finding was withdrawn by the auditor. REASON FOR WITHDRAWAL: Auditor concluded that the rule did not require specific emission points to be included in the NOCS and that the existing documentation was sufficient to demonstrate compliance.	1/21/05	N/A	N/A	E
2	40 C.F.R. § 63.107 and § 63.152	General reporting and continuous records. The facility must identify process vents subject to the HON.	The following process vents in the ADN unit are identified as not subject to the HON because they are non-continuous: FA503, SA504, FA505, FA506, FA 507, FA508, FA509, FA218, FA210, FA211, FA213, FA217, FA207, FA212, FA706, FA208, FA214, FA215, FA216 . The rule excludes vents from batch process, but does not exclude "semi" continuous vents from continuous processes. All of these vents are controlled by a flare that is used to control other subject vents, therefore, they are in compliance with the control requirements of the rule. § 63.152 requires that the NOCS identify the subject emission points and group determinations. This requirement has not been met.	This finding was withdrawn by the auditor. REASON FOR WITHDRAWAL: Auditor concluded that the rule did not require specific emission points to be included in the NOCS and that the existing documentation was sufficient to demonstrate compliance.	1/21/05	N/A	N/A	E

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3	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. §63.103(c)(1)	Records of heat exchanger cooling water monitoring are to be retained for 5 years.	The facility was unable to provide a full five years of records of cooling water monitoring for subject heat exchangers. Records were provided for the period beginning 2nd quarter of 2001 through 4th quarter of 2004. As of the date of this finding, records should go back to the 1st quarter of 2000. The facility was unable to provide the auditor with records for all of 2000 and the 1st quarter 2001.	INVISTA has only owned and operated since 4/30/04 and has such records during its ownership. The facility obtained all available cooling tower historical lab data from Gulf Coast Labs (up to five years) and documented the 5-year record retention requirement in the facility's Environmental Database as well as the HON Operating Procedure.	2/3/05	4/3/05	3/15/05	D,F
4	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. § 63.104(a)	Rule requires each subject heat exchanger to be monitored quarterly for HAPs, VOC, TOC, or other appropriate parameter in cooling water to detect the presence of a leak.	The 3PN Column Spray Condenser Cooler was not identified as subject to the HON until January 2005. Therefore, the following deficiency occurred when monitoring: for the 4th quarter 2004, the facility monitored the appropriate parameter (TOC) but only for specific heat exchangers rather than the combined stream, and the 3PN exchanger was not monitored.	The facility revised the HON cooling tower sampling plan to include the 3PN Column Spray Condenser Cooler when evaluating leaks of HAPs into the cooling tower.	2/3/05	4/3/05	4/1/05	B,F, D

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5	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. §63.148	Rule requires leak inspection of control systems used to comply with controls required by the HON.	Portions of the closed vent system that collect vent gases from ADN process vents are not included in the facility's leak inspection program because several process vents were not identified as subject to the HON as described in Finding No. 6 (Vent Nos. SA504, FA505, FA509, FA218, FA211, FA208, FA207, FA212, FA213, FA217, FA210). Based on the finding that these vents are subject to the HON, the control systems associated with them are subject to the leak inspection rule in 63.148. Benzene, which is a HAP, is received as an impurity in the promoter used in the ADN unit. The benzene tends to concentrate at certain points in the process and can be present at a concentration above 5% on an annual average basis, making the associated equipment components subject to the SOCMI HON LDAR program. Equipment components that are above 5% HAP on an annual average basis due to the presence of benzene have not been identified as being subject to the SOCMI HON LDAR program. These components include the Water Recovery Column (#1102-1), and possibly the recycle cyane tank (#3045-1206).	The facility has tagged and monitored components and populated the database for HON/CAR regulations, which means that these components are now included in the facility's leak inspection program. In addition, the facility updated the ADN NSR permit with the most accurate fugitive count. The facility requested an extension until 9/15/05 per letter dated 3/23/05.	2/3/05	4/3/2005 Extension requested until 9/15/05 per letter dated 3/23/05.	9/15/05	A,F

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6	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 CFR. §63.160, §63.181, and §63.182	Equipment components that operate in organic HAP service 300 hours or more during the calendar year are subject to the SOCMI HON leak detection and repair (LDAR) program.	The Water Recovery Column (#1102-1) is not identified as part of the site's SOCMI HON LDAR program. Therefore, the resulting recordkeeping and reporting would not satisfy the requirements of 40 C.F.R. §63.181 and §63.182. Because the components noted in this deficiency are included in the site's general LDAR program it is likely that the required monitoring and repairs are being conducted consistent with the requirements 40 C.F.R. §63.162 through §63.175; however, this was not specifically verified during the audit. The scope of the audit did not include identification of all equipment components in the ADN CMPU subject to the SOCMI HON LDAR program due to the presence of benzene.	The facility has tagged and monitored components (including the Water Recovery Column) and populated the database for HON/CAR regulations. In addition, the facility updated the ADN NSR permit with the most accurate fugitive count. The facility requested an extension until 9/15/05 per letter dated 3/23/05.	2/3/05	4/3/2005 Extension requested until 9/15/05 per letter dated 3/23/05.	9/15/05	B,F
7	30 T.A.C. § 116.111(a)(2)(D); 40 C.F.R. §60.112b(a)(3)(i), 40 C.F.R. §60.485(b).	Closed vent system shall have no detectable emissions (emissions must be less than 500 ppm).	The closed vent systems for Tanks FT360 (NAS) and FT358 (HAS) are required to have leak detection and repair (LDAR) monitoring per NSPS requirements of §60.485. Currently, these components are being monitored and records kept pursuant to 40 C.F.R 61, Subpart FF (NESHAP). However, they are not being documented for NSPS purposes. Therefore, LDAR records should also reference the appropriate NSPS citation.	The facility has tagged and monitored components and populated the database for HON/CAR regulations and thus meets NSPS regulations as well. In addition, the facility updated the ADN NSR permit with the most accurate fugitive count. The facility requested an extension until 9/15/05 per letter dated 3/23/05.	2/3/05	4/3/2005 Extension requested until 9/15/05 per letter dated 3/23/05.	9/15/05	B,F

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8	30 T.A.C. § 116.111(a)(2)(D); 40 C.F.R. §60.115b(c)(2)	Requires a record of measured values of parameters specified in the operating plan.	Tanks FT360 (NAS) and FT358 (HAS), which are controlled in the fume abator, are required to keep records of measured values or parameters specified in the operating plan. The facility is not keeping records of mass flow or residence time.	Notification of NSPS for the HAS and the NAS tank was made in 2000. At that time, an operating plan was submitted, which had operational constraints on Fume Abator waste gas flow. Pursuant to the plan, the total gas flow rate to the Fume Abator has been monitored and recorded. Mass flow records (as well as temperature records), therefore, have been maintained at the facility since 2000 (albeit for NESHAPS FF purposes rather than NSPS purposes). Because residence time is a function of mass flow, residence time can be calculated from available records. Notwithstanding, in response to this audit finding, the facility has taken the following steps: (1) modify the operating procedures to mandate that the waste gas flow be kept to less than 1750 PPH (done on March 5, 2005); (2) install a mass flow indication alarm to the Fume Abator to assure proper adequate residence time (installed on March 5, 2005); and (3) maintain quarterly records of Fume Abator temperature and mass flow in the B3002 ADN Environmental records room.	2/3/05	4/3/05	3/16/05	B,F

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9	40 C.F.R. §65.5(a)(2) and §65.5(c)	Sources choosing to implement the Consolidated Air Rule (CAR) to satisfy SOCMI HON and/or other federal requirements for equipment leaks must provide prior notification of intent identifying the process units involved and the proposed implementation schedule.	The facility implemented the CAR for equipment leaks in the ADN area beginning 10/1/2004 without providing the required prior notification.	The facility submitted the Initial Notification and Notification of Initial Startup report to EPA on 2/24/05.	2/4/05	4/4/05	2/24/05	C
Potential Exception								
1	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A – General Provisions); 40 C.F.R. §63.6(e)(3)(v)	The owner or operator must maintain each previous version of the SSM plan for a period of 5 years after the revision of the plan.	The SSM plan was last revised September 2003. This plan describes using the SOPs in lieu of a SSM plan. Although current SOPs for the HON Group 1 process vents were made available to the auditor, facility personnel could not locate copies of the past versions of these SOPs or any version of the SSM plan prior to September, 2003.	The facility established in the HON procedure that the outdated copy of each modified SOP shall be sent to the HON Environmental Compliance Coordinator by the ADN Manuals editor prior to procedure revision. The ADN area has a dedicated manuals editor and communication has been made that before a revision is made to a SOP, a copy of the procedure to be revised will be sent to the HON Environmental compliance coordinator. A folder has been created in the shared ADN Environmental folder to place each procedure revision.	1/21/05	3/22/05	3/16/05	D,F

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			EXCEPTIONS					
1	30 T.A.C. §§ 122.132(e)(3) and 122.142(b)(2)	Records must be kept demonstrating compliance with exemption from vent gas control. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	The Benzene Stripper Vent in the Adipic Acid Unit is subject to the vent gas rule in 30 T.A.C. § 115.120, but is exempt from control due to 100 lb/day VOC exemption. The Title V permit and associated application do not identify the vent as being subject to the rule's recordkeeping requirements related to the exemption.	The facility amended its Title V permit application to add the Benzene Stripper Vent as subject to 115.120, but exempt from control, and established a file to document exemption. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding.	11/9/04	1/8/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F
2	30 T.A.C. §§ 115.131(a), 115.132(a)(3), 115.137, 122.132(e)(3) and 122.142(b)(2)	A water separator equipped with a vapor recovery system must reduce emissions such that the true partial pressure of the VOC in vent gasses to the atmosphere will not exceed 0.5 psia. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	Field examination revealed that the aqueous waste decanter in the Adipic Acid process is well controlled (combustion in cogen duct burners); however, its applicable requirements are not properly identified in the Title V permit. The decanter is identified as a possible Regulation V vent stream in the Title V permit application whereas it should be classified as a VOC water separator. The Title V application indicates that the combined 24 hour VOC content of this stream is less than 100 pounds, making it exempt from the vent stream emission control requirements; however, this is not the proper basis for determining control requirements for a water separator. The VOC separated is primarily cyclohexane with a vapor pressure of about 4.8 psia, which is greater than the exemption criteria of 30 T.A.C. § 115.137.	The facility amended its Title V application to add the Aqueous Waste Decanter as subject to the water separator regulations and the vent as subject to the VOC vent gas controls. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding.	11/9/04	1/8/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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3	30 T.A.C. §§ 115.131(a), 115.132(a)(3), 115.137, 122.132(e)(3) and 122.142(b)(2)	A water separator equipped with a vapor recovery system must reduce emissions such that the true partial pressure of the VOC in vent gasses to the atmosphere will not exceed 0.5 psia. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	Field examination revealed that the recycle cyane tank decanter and the sump decanter in the Adipic Acid process are well controlled (routed through the low pressure scrubber prior to combustion in cogen duct burners); however, their applicable requirements are not properly identified in the site documentation and Title V permit. The low pressure separator is identified as a Regulation V vent stream treatment device, which is not the proper applicable requirement for VOC water separators such as these decanters. These decanters are not identified at all in the Title V permit application. The VOC separated is primarily cyclohexane with a vapor pressure of about 4.8 psia, which is greater than the exemption criteria of 30 T.A.C. § 115.137.	The facility amended its Title V application to change designation of Recycle Cyane Tank and Sump Decanter to water separators. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding.	11/9/04	1/8/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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4	30 T.A.C. §§ 115.140, 115.142, 115.146(1), 115.147, 122.132(e)(3) and 122.142(b)(2)	Industrial wastewater components must be equipped with water seals and properly controlled. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	The Table 2 in the Adipic Acid NSR permit renewal application indicates that this unit produces about 300,000 lbs/hr of wastewater; however, the Title V permit application does not identify any wastewater components potentially subject to Regulation V control requirements nor the basis for exemption from such requirements. The Title V application does indicate that there is a stream that contains less than 10 ppm benzene and therefore exempt from benzene NESHAPS (Subpart FF); however, it is not clear where in the process this determination is made (i.e., upstream or downstream of the unit's benzene scrubber), and there is no corresponding VOC content information consistent with Regulation V criteria. The site was not able to promptly produce complete and up-to-date records demonstrating compliance with Chapter 115 and/or to demonstrate the characteristics of wastewater streams and the basis for qualification for any exemptions from Chapter 115.	The facility determined and documented for each stream whether it was exempt from Regulation V control requirements. The facility amended its Title V permit application to reflect such determinations. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding by including those streams that were not exempt and documenting those streams that were exempt.	11/9/04	1/8/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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5	30 T.A.C. §§ 115.140, 115.142, 115.146(1) and 115.147	Industrial wastewater components must be equipped with water seals and properly controlled. Title V applicant must update application within 60 days of discovering inaccurate or omitted information.	The ADN unit and the ADN Promoter unit produce wastewater, which is collected in a wastewater collection system (including various sumps) for deep well injection; however, the Title V permit application does not identify any wastewater components potentially subject to Regulation V control requirements nor the basis for exemption from such requirements. The site was not able to promptly produce complete and up-to-date records demonstrating compliance and/or to demonstrate the characteristics of wastewater streams and the basis for qualification for any exemptions. It should be noted that the sumps are controlled.	The facility determined and documented for each streams whether it was exempt from Regulation V control requirements. The facility amended its Title V permit application to reflect such determinations. On 1/7/05, the facility revised its renewal application for NSR permit No. 1302 to correct this finding by including those streams that were not exempt and documenting those streams that were exempt.	11/10/04	1/9/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/30/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F
6	30 T.A.C. §§ 115.140, 115.142, 115.146(1), 115.147, 122.132(e)(3) and 122.142(b)(2)	Industrial wastewater components must be equipped with water seals and properly controlled. Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	The HMD unit produces wastewater, which is collected in a wastewater collection system for biological treatment; however, the Title V permit application does not identify any wastewater components potentially subject to Regulation V control requirements nor the basis for exemption from such requirements. During the audit, the site was not able to promptly produce complete and up-to-date records demonstrating compliance and/or to demonstrate the characteristics of wastewater streams and the basis for qualification for any exemptions. The 258 building sump was identified in the Title V application as a water separator exempt from controls due to low vapor pressure; however, the associated sewer system was not identified in the Title V application. The building 261 sump and the 317 sump and associated sewer system components were not identified in the Title V application. It should be noted that the sumps are not controlled.	The facility added Regulation V wastewater citations to the HMD Title V permit application. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding by including those components that were not exempt and documenting those components that were exempt.	11/10/04	1/9/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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7	30 T.A.C. § 122.143(4) - SC. 15. Operating Permit No. 0-01996	Permit holder must comply with the permit conditions. One of the special conditions requires the permit holder to revise the permit to include pre-1991 PBRs.	The solvent degreaser subject to Chapter 115 in the HMD unit is not included in the Title V permit as required per this special condition.	The facility added solvent degreaser citations to HMD Title V. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F
8	30 T.A.C. § 122.143(4) - SC. 10. Operating Permit No. 0-01868	Permit holder must comply with the permit conditions. One of the special conditions requires the permit holder to revise the permit to include pre-1991 PBRs.	The solvent degreaser subject to Chapter 115 in the Adipic Acid unit is not included in the Title V permit as required per this special condition.	The facility added solvent degreaser citations to Adipic Acid Title V. On 1/7/05, the facility revised its renewal application for NSR permit No. 1790 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 4/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 3/31/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F

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9	30 T.A.C. § § 122.132(e)(3) and 122.142(b)(2)	The Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	The HMD Unit Distillation columns B through F (GRP-DIST in Title V Permit) and distillation column A (PE-25A, which went to PE-25S, both in Title V Permit) are subject to the vent gas rule but exempt from control based on VOC concentrations less than 612 ppmv at the combined Low Pressure DOG stream. This stream is controlled in the BIF Boilers. Although these vents are exempt from the control requirements of § 115.120, they are subject to the monitoring and recordkeeping requirements in § 115.126. The Title V permit application and permit do not identify this vent as being subject to this rule as required.	The facility updated the HMD Title V citations. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	D,F
10	30 T.A.C. §§ 122.132(e)(3) and 122.142(b)(2)	The Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	HMD Unit Reactors A, B, and C (GRP-SYNRX in Title V Permit) and Aqua Recovery Column (PE-21A in Title V Permit) which make up the combined High Pressure DOG stream sent to the Cogen Duct burners are subject to the vent gas rule. Section 115.126(1) requires records of appropriate operating parameters to be kept to demonstrate ongoing compliance with DRE or outlet VOC concentration. No operating parameter has been identified by plant, and records are not being kept. Applicability to the rule is not addressed in Title V Permit. Data provided by plant indicates that VOC concentration exceeds 612 ppmv and is therefore subject to control. Because the stream is already being controlled, it is in compliance with § 115.122 control requirements. However, the requirement to include the vent stream in the Title V permit as subject to § 115.120 is not being met.	The faciliity amended its Title V permit application. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	A,F

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11	30 T.A.C. § 115.126(3)	Rule requires records to be kept demonstrating that vent is exempt from control.	LP DOG stream (Stream 18A) in the HMD Unit is identified as exempt from § 115.122 control requirements based on VOC < 612 ppmv. Records demonstrating compliance with exemption are required by § 115.126. Previous ASPEN modeling records were provided that indicated total VOC concentration of 479 ppm. The exemption for SOCMI reactor process vents is 500 ppm. As a result, the auditor maintains that additional information may be necessary to determine whether an exemption exists.	Based on the age of the ASPEN modeling records, the facility tested the stream and on 1/7/05 the facility determined that the exemption does not apply. Consistent with INVISTA's 12/15/04 letter related to Title V extensions, it amended its Title V application to reflect this stream by 2/1/05. On 1/7/05, the facility revised its renewal application for NSR permit No. 1303 to correct this finding.	11/11/04	1/10/2005 By letter dated 12/15/04, the facility requested an extension until 2/1/05 to submit Title V amendments.	1/7/05 (submitted NSR amdmt. app.) 1/28/05 (submitted Tit. V amdmt. app.) See Tab 18.B	A,F

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N/A	N/A	N/A	No Exceptions Found	N/A	N/A	N/A	N/A

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			EXCEPTIONS					
1	40 C.F.R. §§ 60.632, 60.635 and 60.636	Each owner or operator of an onshore natural gas processing plant is subject to a Leak Detection and Repair program.	The HCN Area Natural Gas Purification (NGP) unit is 1100 MSCF/H (26.5 MMSCF/D) product gas plant and is used to remove ethane and other "heavy" hydrocarbons from the HCN Converter feed gas. The separated hydrocarbons are either sold as Natural Gas Liquid (NGL) or re-vaporized and returned to the site 55- psig fuel gas header to be used as fuel. The facility had not considered this unit to be subject to NSPS Subpart KKK.	The facility has tagged, monitored, and populated the database for KKK LDAR regulations. In addition, the facility updated the NSR permit with the correct applicability. The facility requested an extension until 9/15/05 (per letter dated 3/23/05). The facility amended the Title V application on 3/31/05.	3/13/05	5/13/05 Extension requested until 9/15/05 (per letter dated 3/23/05).	9/15/05 (LDAR); 3/31/05 (Tit.V amdmt. app.) See Tab 18.B	A,F
2	30 T.A.C. §§ 122.132(e)(3) and 122.142(b)(2)	Title V Application and Permit are required to list all applicable requirements and the facilities subject to each requirement.	Neither the Adipic Acid Title V application nor the permit properly identify or characterize the following: (1) two areas of fugitive components (FD-27 and MeOH-Fug), (2) two loading areas (RGNLOAD and 05LTR-038), (3) four VOC/water separators with applicable requirements, (0272-3792-06, 0268-9018-17, 0272-3805-02, and 0272-3807-01), (4) one VOC/water separator (5100 building) that is exempt from the 30 TAC Chapter 155 provisions, (5) seven additional 30 TAC Chapter 115 process vents (05TFX-010, 05TFX-019, 05TFX-039, 05TFX-046, 05STR-041, PD-49, and ANLZ-VNT) , (6) one diesel-fired engine (550-DLG), (7) a diesel tank (550-TK), (8) the wash oil stripper.	The facility submitted an application for Title V Permit revisions to address this finding.	3/23/05	5/23/2005	3/31/05 See Tab 18.B	A,F
3	30 T.A.C. § 122.143(4) - SC. 10. Operating Permit No. 0-01868	Permit holder must comply with the permit conditions. One of the special conditions requires the permit holder to revise the permit to include pre-1991 PBRs.	Several PBR's used in the Adipic Acid unit were not included or were listed incorrectly in the Title V permit.	The facility submitted an application for Title V Permit revisions to address this finding.	3/23/05	5/23/2005	3/31/05 See Tab 18.B	D,F

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4	30 TAC § 115.143(c)(3)	Written notice must be provided to the Executive Director to comply with alternative control requirements.	INVISTA is complying with the alternative control requirements (ACR) for the for the affected volatile organic compound (VOC) wastewater stream handled by FT359. Specifically, the stream exits the ADN Production Area when it leaves the Nitrile Aqueous Storage (NAS) tank and is routed to an underground injection well for which INVISTA has been issued a final permit under 30 TAC 305 (Title 40 of the Code of Federal Regulations (40 CFR) part 144). The injection well complies with 30 TAC 331 (40 CFR part 122). However, INVISTA has been unable to locate any record indicating that the former owner and operator of the ADN Production Area submitted written notification of the intent to comply with the ACR.	The facility submitted appropriate notification to the Executive Director of TCEQ.	3/22/05	5/22/2005	3/30/05	D,F
5	30 T.A.C. §116.116(c); NSR Permit No. 1302, Special Condition 6.	Holders of permits shall comply with special conditions of permits. Special condition 6 requires that, unless an exception is granted by the Executive Director of the TCEQ, emissions from analyzer vents be controlled by a flare, incinerator, or recovery system with specified efficiencies.	The facility has two areas with analyzers that vent to atmosphere. In the case of the HCN Analyzer Vents (FH627), the vapors are routed through a scrubber, and what is not condensed is vented to atmosphere. There is no basis for documenting the efficiency of the HCN analyzer's scrubber. Additionally, Nitrile Analyzer Vents (FN628) are vented directly to atmosphere. The estimated total VOC emitted from the analyzer vents represented by FH627 and FN628 is 5 pounds per year or 0.0025 tons per year assuming no recovery or abatement.	The facility submitted a request to the Executive Director that an exception be granted for the waste stream from the analyzer vents.	4/21/05	6/20/05	5/4/05 See Tab 18.B	D,F

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6	30 T.A.C. § 106.8(c)	Owners or operators of facilities authorized under a PBR must retain records sufficient to demonstrate compliance with PBR requirements.	While analyzer vents in ADN, Adipic, and HMD units substantively meet PBR requirements, the facility has not submitted a registration nor maintained the required supporting documentation.	The facility submitted the appropriate PBR registrations, began maintaining necessary documentation, and updated the Title V permit applications (Adipic Acid, HMD and ADN) with the appropriate applicable requirements.	3/23/05	5/22/05	5/21/05 See Tab 18.B	D,F
7	TCEQ Air Permit No. 1468, Special Condition No. 7; 40 C.F.R. § 60.45(c)(5)	For a fossil fuel-fired steam generator that simultaneously burns fossil and nonfossil fuel, the continuous monitoring system's span value shall be subject to TCEQ approval.	The ADN North and South Boilers simultaneously burn natural gas and various nonfossil fuels. The span values for the ADN North and South Boilers' continuous monitoring systems have not been approved by TCEQ.	The facility submitted a request for TCEQ approval of the span values for the ADN North and South Boilers' continuous monitoring sytems.	5/6/2005	7/5/05	7/5/05 See Tab 18.B	D,F
8	30 T.A.C. § 106.8(c)	Owners or operators of facilities authorized under a PBR must retain records sufficient to demonstrate compliance with PBR requirements.	The Adipic Acid Manufacturing Unit cooling tower facility meets the requirements of §106.4 of TCEQ Chapter 106, and Permit by Rule §106.371, but the facility did not maintain the requisite records demonstrating compliance with the PBR requirement.	The facility confirmed that a PBR applies to the water cooling tower and has begun maintaining records to demonstrate compliance with the PBR requirement.	5/26/05	7/25/05	7/25/05	D,F

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9	30 T.A.C. §§ 335.112(a)(1-2), 335.69(a), 335.221(a)(13); 40 C.F.R. §§ 265.31, 266.103(j)(2), 265.15(c), 262.34(a)	Facilities must be maintained and operated to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Boilers and associated equipment must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, and fugitive emissions. A generator may accumulate hazardous waste on-site for up to 90 days in a tank without a hazardous waste permit, as long as other requirements are satisfied.	Solids collect in portions of the exhaust air handling equipment in certain hazardous waste boilers and viscous liquid is collecting on the outside of the boilers. The facility is currently evaluating whether the material is RCRA characteristic. The viscous liquid is routinely washed off the equipment, and the washwater is collected in concrete areas constructed within the concrete pads on which the boilers are located. The washwater exhibits the RCRA toxicity characteristic for chromium. The facility is evaluating whether it is otherwise RCRA characteristic. The collection areas are not designed and operated in accordance with the requirements for 90-day hazardous waste storage tanks and are not covered by a hazardous waste permit. The washwater is disposed as hazardous waste.	The facility continues to evaluate the applicable RCRA, air, wastewater or other requirements and identify and assess appropriate corrective actions. The facility has preliminarily identified the processes that may be creating these materials and is evaluating the feasibiliy and likely outcome of possible short-term measures.	6/14/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
10	30 T.A.C. §§ 116.110(a), 116.116(b)(1)	Any person who plans to construct any new facility or engage in the modification of an existing facility which may emit air contaminants into the air shall obtain a permit. A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant.	As a result of the facility's ongoing review of its NSR permits, it has identified instances where information presented in permit applications by the prior owner (and thus authorized under the existing permits) does not accurately reflect facility operations. The facility's review of its NSR permits is ongoing and the facility may identify additional inconsistencies between the previously filed applications (and corresponding permits) and facility operations.	The facility is reviewing all of its NSR applications and permits. The facility met with TCEQ on 12/20/05 and discussed a schedule consistent with the Title V Permit renewal process for completing the NSR permit amendment process. To the extent that any noncompliance is associated with the permit application's failure to include routine startup and shutdown emissions, the facility has begun to and will continue to report startup and shutdown activities that are not covered by the permits as previously thought.	9/19/05	11/18/05 Extension requested until permit issuance per letter dated 1/20/06.	Pending See Tab 18.A	A,F

INVISTA S.à r.l.
PSD/NNSR Findings
Voluntary Disclosures for Sabine River Works, Orange, Texas
Final Quarterly Report -- January 31, 2006

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
1	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, in the 1997 time frame the facility made changes to the HMD unit and increased the unit's permitted capacity. These changes resulted in an increase of emissions above the NNSR significance threshold using an actual to potential emissions change analysis. A federal NNSR permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
2	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, in the 1997 to 1999 time frame the facility made changes to process areas to eliminate deepwell injection of waste streams. These changes resulted in increases of emissions above respective NNSR netting thresholds using an actual to potential emissions change analysis.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
3	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, in the 2000 time frame the facility made changes to the operations of the HMD unit and increased the unit's permitted capacity. These changes resulted in an increase of emissions above the NNSR significance threshold using an actual to potential emissions change analysis. A federal NNSR permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

INVISTA S.à r.l.
PSD/NNSR Findings
Voluntary Disclosures for Sabine River Works, Orange, Texas
Final Quarterly Report -- January 31, 2006

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
4	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, in the 2001 time frame the facility made changes to restart the natural gas processing plant. These changes resulted in an increase of NOx emissions above the NNSR significance threshold and an increase of VOC emissions above the NNSR netting threshold using an actual to potential emissions change analysis. A federal NNSR permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
5	30 TAC Sections 116.110(a)(1), 116.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review (NNSR) requirements. These regulations may require permitting, installation of lowest achievable emission rate ("LAER") control technology, and/or emission offsetting.	Prior to INVISTA's acquisition, the facility made a few changes in the ADN unit and began the practice of renting temporary equipment in the ADN unit in order to increase achievable annual ADN production rates. These changes resulted in an increase of NO_x emissions above the NNSR significance threshold and an increase of VOC emissions above the NNSR netting threshold using an actual to potential emissions change analysis. A federal NNSR permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	11/1/05	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. § 61.348(a)(3)	Owner or operators cannot dilute a waste stream for purposes of meeting the less than 10ppmw annual flow-weighted average control option in 40 C.F.R. § 61.348(a)(1)(i).	Aqueous waste effluent from the benzene decanter in the ADN refining area and aqueous wastes from the HMD specialty production refining area are diluted with non-benzene waste streams prior to entering the benzene flasher.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/22/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
2	40 C.F.R. §§ 61.342 and 61.355	The quantity of benzene in benzene waste streams must be calculated according to regulatory requirements.	Benzene waste streams have not been properly identified, and, therefore, the total annual benzene reports have been inaccurate.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/20/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
3	40 C.F.R. § 61.355(b)	The owner or operator of a facility subject to the benzene NESHAP shall determine the annual waste quantity at the point of waste generation, unless otherwise provided in the regulations.	The total annual benzene quantities were not being determined at the point of generation in both the ADN and HMD refining areas.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/15/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
4	40 C.F.R. § 61.342(c)(2)	Owners or operators that claim benzene waste streams to be exempted from the management standards must demonstrate initially and thereafter at least once per year that the flow-weighted annual average benzene concentration in the stream is less than 10ppmw as determined by the procedures in 40 C.F.R. § 61.335(c)(2) or (c)(3).	The facility does not adequately determine the benzene content of every aqueous and organic liquid waste streams throughout the individual operating units.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/20/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
5	40 C.F.R. § 61.342(c)(1)(ii)	Owners or operators must comply with the waste management standards in 40 C.F.R. §§ 61.343 through 61.347 for each waste management unit that receives or manages the waste stream prior to and during treatment of the waste stream.	The ADN refining area does not operate equipment handling the benzene waste decanter aqueous waste stream per the requirements of 40 C.F.R. 61.343 for tanks and 61.346 for drain systems. The waste contained in the organic sump, the organic collection tank and the wet organic decanter pump tank are not being managed in accordance with the inspection and maintenance requirements of 61.343 through 61.347.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	7/20/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
5.1	40 C.F.R. §§ 61.342 through 61.357	Sources that are regulated under 40 C.F.R. Part 61, Subpart FF must meet treatment, monitoring, inspection, record keeping and reporting requirements and standards.	The facility is currently not complying with the benzene NESHAP requirements.	The facility conducted a comprehensive benzene wastewater stream identification program to account for all benzene waste streams which is being used to develop a compliance plan. INVISTA is continuing to meet with EPA and TCEQ to discuss corrective measures.	1/13/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
5.2	40 C.F.R. §§ 61.343, 61.346, 61.347, 61.349 & 61.357	Facilities with a TAB above 10 Mg must perform periodic inspections on regulated equipment and submit quarterly reports that all required inspections have been performed.	Because the facility had not historically identified all regulated benzene streams, some equipment managing regulated benzene wastes was not included in the periodic inspection program and, therefore, not all inspections were performed.	The facility has conducted a comprehensive benzene wastewater stream identification process. The facility updated its periodic inspection program to include equipment managing any newly identified regulated benzene streams.	1/13/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
5.3	40 C.F.R. §§ 61.348, 61.354, 61.355 & 61.357	The facility uses its RCRA boilers as benzene treatment devices, and as such must demonstrate that these units achieve at least 99% destruction efficiency. A proper operating parameter must be identified, and exceedances of that parameter included in quarterly reports.	The facility never demonstrated 99% destruction efficiency of the boilers under Subpart FF nor established a proper operating parameter for the boilers, and the boilers had not been included in past quarterly reports.	The facility, prior to INVISTA's ownership, conducted tests under RCRA that demonstrated at least 99% destruction efficiency based on operations at the time the test was conducted. On 2/18/05, the facility submitted a letter to TCEQ requesting confirmation that this test demonstrates compliance with the treatment requirements of 40 C.F.R. § 61.348(a)(1)(iii). The facility also intends to conduct an additional test to confirm compliance based on current operating parameters i 2006. In the interim, the facility also has identified CO as the required indicator of boiler performance, and is monitoring this parameter.	1/13/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
5.4	40 C.F.R. §§ 61.354(d), 61.357(d)(7)(iv)(I)	Carbon canisters must be inspected at periods no greater than 20% of the design replacement intervals and replaced immediately once breakthrough is detected. Quarterly reports must indicate any deviations from these requirements.	The facility inspects carbon canisters weekly (i.e., 5-week design replacement interval). Monitoring records indicate that on some canisters, breakthrough is occurring more frequently than once every 5 weeks. Additionally, replacement of carbon canisters can sometimes takes up to 48 hours after identification of breakthrough. Past quarterly reports have not identified these issues.	The facility evaluated the inspection frequency for all of the carbon canisters to ensure that it meets the requirement to conduct inspections at 20% of the design carbon replacement interval. Additionally, in future quarterly reports the facility will identify, as excursions, any incidents in which monitoring did not occur within a calendar week or any period in which the canister was not replaced within 48 hours of VOC detection.	1/13/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
6	40 C.F.R. Part 61, Subpart FF (need more specific cite)	The owner or operator shall sample, monitor and maintain records required by Subpart FF.	The facility operated the nitrile stripper column (NSC) as a benzene treatment unit, but did not manage the NSC in compliance with the benzene NESHAP standards.[B]	The facility ceased operation of the NSC on June 3, 2004. INVISTA is continuing to discuss appropriate corrective actions with TCEQ and EPA.	5/24/04	7/23/04	6/3/04 will re-start upon approval from TCEQ.	A,F
7	40 C.F.R. § 61.356(e)	An owner or operator using a treatment process or wastewater treatment system unit in accordance with § 61.348 must maintain specified records for the life of the unit.	The facility does not maintain the following required documentation for the benzene flasher: (1) Signed and dated design and operation certification. (2) Details of the treatment process design and waste stream information. (3) Test protocol describing test variables and conditions.	On 9/1/04 the facility submitted to TCEQ notice of performance testing for the benzene flasher. It conducted the test on October 13 & 14, 2004. The facility has prepared and will maintain all required records.	7/26/04	9/24/2004 Extension requested until 11/15/04	10/29/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
8	40 C.F.R. § 64.4	Subject sources must submit a Compliance Assurance Monitoring (CAM) plan for emission units that have a pre-control device potential to emit of greater than 100 tons per year.	The facility operates rotary and fluidized bed dryers in the Adipic Acid area that are controlled by baghouses in order to meet the process weight rate limitation. A CAM plan has not been submitted.	Upon further review, the facility determined that, for this unit, the regulations require the submittal of the CAM plan upon renewal, which has not yet occurred.	7/27/04	N/A	N/A	E
9	40 C.F.R. § 68.79(a)	The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every three years to verify that the procedures and practices developed under this subpart are accurate and are being followed. Facilities must conduct a compliance audit of the RMP program every three years.	The facility's system for conducting RMP element audits is such that greater than 3 years can pass between audits for any specific element.	This finding relates to the system in place prior to INVISTA's ownership. INVISTA has modified the RMP audit process so that the entire facility will be audited every three years as part of a comprehensive PSM audit, the first of which was conducted in November 2004. The compliance calendar was updated to reflect this new process.	7/27/04	9/25/04	9/24/04	B,F
10	40 C.F.R. § 72.9(a)	Cogeneration facilities constructed prior to November 15, 1990, serving a generator with a nameplate rating greater than 25 MWe, and selling greater than one third of its electricity to the grid, must apply for an Acid Rain permit.	The facility's cogeneration unit was constructed prior to November 15, 1990, serves an 87 MWe generator and sells 100% of its electricity to the grid.	Upon further review, this finding is based on incorrect facts. The facility does not sell 100% of its electricity to the grid and has remained below the threshold for triggering the requirement to obtain an Acid Rain permit.	7/20/04	N/A	N/A	E
11	40 C.F.R. § 82.162(a)	Persons maintaining, servicing or repairing appliances except for MVACs, and persons disposing of appliances except for small appliances and MVACs, must certify to the EPA that such person has acquired certified recovery or recycling equipment and is complying with the applicable requirements of this subpart.	The facility has not registered two Promax freon recovery units used in the HVAC Maintenance Department and the facility has not certified to EPA Region VI, within 30 days of change of ownership, that freon recovery equipment is maintained on-site and that the facility is complying with 40 C.F.R. Part 82, Subpart F.	The facility submitted the registration and certification to EPA Region VI on September 24, 2004.	7/26/04	9/24/04	9/24/04	C
12	30 T.A.C. § 101.10(a) and (d)	The owner or operator of a source in Texas must submit emissions inventories and/or related data as required.	The facility's 2003 Emission Inventory indicated that the catalyst used in the Op1 and Op1A process was being diluted with cyclohexane, despite the fact that this practice was discontinued 4 to 5 years ago.	The relevant information in the 2003 Emissions Inventory was corrected and resubmitted to TCEQ on August 4, 2004.	7/20/04	9/18/04	8/4/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
13	30 T.A.C. § 101.10(a) and (d)	The owner or operator of a source in Texas must submit emissions inventories and/or related data as required.	The facility's 2003 Emission Inventory (EI), which was based on data generated by the prior owner, was deficient in the following ways: (1) The EI spreadsheet for Adipic Acid used 7 percent mineral spirits by weight to calculate VOC emissions from the Op1 catalyst mix tank versus the actual mineral spirits concentration of 98 percent by weight. As a result, the tank was not included in the EI because it was erroneously determined to be below reporting thresholds. (2) KA emissions in the Adipic Acid Op1 Crude KA tank were underreported in 2003. (3) Emissions from Adipic Acid Dryers No. 3 and No. 4 and Op4 No. 2 Loading Bins were reported at levels above permitted rates (9.53 tons each vs. 4 tons each for dryers and 3.99 tons vs. 2 tons for loading bins) due to an error in the EI spreadsheet. (4) The EI report did not include emissions from the gasoline dispensing station or from the degreasers.	The facility resubmitted the 2003 EI report to TCEQ on August 4, 2004 and thereby addressed Items No. 1, 2, and 3. Emissions from the omitted sources addressed in Item No. 4 were submitted to TCEQ on September 22, 2004.	7/22/04	9/20/04	1. 8/4/04 2. 8/4/04 3. 8/4/04 4. 9/22/04	D,F
14	30 T.A.C. § 106.261	Permit amendments are required prior to modifications unless such modifications are allowed by a Permit by Rule. Physical changes are allowed by PBR provided that, among other things, there are no changes to or additions of any air pollution abatement equipment.	The facility installed equipment to allow barge loading of product from HMD in 1998 that included the installation of a scrubber. It was incorrectly conducted under PBR 106.261.	Upon further review, the facility determined that the project was properly authorized under PBR 106.261.	7/27/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
15	30 T.A.C. §§ 116.110(a) and 106.264	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source.	The Adiponitrile (ADN) facility replaced equipment citing permit by rule (PBR) 106.264 - Replacements of Facilities. However, the facility did not comply with the requirements of 106.264. Specifically, the replacement equipment emits chemicals listed as hazardous constituents in 40 C.F.R. Part 261, Appendix VIII which is not allowed according to 106.264(6).	On October 15, 2004, the facility submitted a revised PBR registration for the replaced ADN equipment citing PBR 106.264 in combination with 106.261 and 106.262.	7/27/04	9/25/04	10/15/04[C]	D,F
16	30 T.A.C. § 106.8(c)	Owners and operators of facilities authorized to be constructed and operated under a permit by rule (PBR) must retain specified records.	The facility does not have documentation to support PBR authorization for the following sources: (1) Soldering, brazing and welding. (2) Manufacturing, refinishing and restoring wood products. (3) Surface coating facility. (4) Auto body refinishing facility. (5) Dry abrasive cleaning.	The facility prepared the necessary PBR records for soldering, brazing and welding; manufacturing, refinishing and restoring wood products; auto body refinishing facility; surface coating facility and dry abrasive blasting.	7/26/04	9/24/04	10/15/04[C]	D,F
16.1	30 T.A.C. § 116.110(a)	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source.	The facility does not have air permit authorization for its West and Concrete landfills.	On September 24, 2004, the facility submitted PBR registrations for the West and Concrete landfills citing PBR 106.261 and/or 106.262.	7/26/04	9/24/04	9/24/04	A,F
17	30 TAC §§ 122.132 and 122.136(b)	Facilities subject to Title V permitting must list all applicable regulations in the permit application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall submit the relevant facts or correct the information within 60 days after discovery of the error.	The facility's Title V application, and subsequent draft permit, for the Adipic Acid process do not list any applicable requirements for the steam still decanter, recycle decanter or recycle organics decanter. These process units are "water separators" subject to 30 TAC § 115 Subchapter B, Division 3.	On October 15, 2004, the facility updated Table OP-UA14, indicating that the equipment is totally enclosed and meets the requirements of 30 TAC § 115.132(b)(1).	7/20/04	9/18/04	10/15/04[C]	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
18	TCEQ Air Permit No. 812, Special Conditions No. 4, 6, 11.C, and 11.D	Fuel used in the adipic powerhouse (APH) boilers shall be limited to types and rates of liquid and gaseous waste fuels identified in the October 1997 permit application. Compliance with particulate matter (PM) emissions limits shall be based upon the combined total for APH boilers. The PM emissions will be calculated from the ash analysis and volumes of liquid waste fuels fired. Records of waste stream flows and ash analysis will be maintained. An ash analysis will be performed for all liquid waste streams burned in the boilers four times per year. Fuel usage limitations and waste firing rate limitations must be documented by maintaining records of integrated fuel flow to each boiler and totaled monthly. Records of the total of all liquid waste fuels fired on a monthly basis and computed PM emissions on a rolling 12-month basis must be kept for the APH boilers.	The facility failed to comply with TCEQ Air Permit No. 812 as follows: (1) The facility did not conduct quarterly ash analysis for the "fuel additive" combusted in the APH boilers. (2) The facility did not record or otherwise calculate the maximum and average hourly feed rate for the "fuel additive" combusted in the APH boilers. (3) Combined PM emission calculations did not include PM contributed by combustion of the "fuel additive" in the APH boilers. (4) The facility exceeded the average hourly throughput limit for scrubber off-gas (SOG) combusted in the APH boilers. (5) The facility exceeded the average hourly natural gas throughput rate for the APH boilers as represented in Confidential Section 2 and Appendix B to the October 1997 permit amendment application. (6) The facility exceeded the average hourly throughput limit for A-Oil burned in the APH boilers. (7) The facility exceeded the average hourly throughput limit for Diamine off-gas combusted in the APH.	(1) By 8/25/04, ash analysis for "fuel additive" combusted in the APH boilers was added to the routine sample analysis. (2) By 8/30/04, "fuel additive" was added to the waste fuel combustion records. (3) By 8/30/04, PM calculations were revised to include PM from the combustion of "fuel additive" in the APH boilers. (4) The exceedance was caused by a faulty transmitter on the Boiler No. 3 flowmeter. The facility repaired the faulty transmitter and added a high SOG flow alarm to the distributed control system. (5) On 10/15/04, the facility submitted a request to TCEQ to clarify in Special Cond. No. 4 that the firing rate of nat. gas is not limited by the representations in Conf. Sec. 2 and App. B to the 10/97 permit amend. app. (6) The finding included the volume of steam used during line steam cleaning in addition to the A-Oil burned (per the facility's records). The throughput of A-Oil did not exceed the ave. hourly limits. The facility now verifies daily that throughput of A-Oil remains below limits. (7) A PBR authorizes the Diamine off gas at the current throughput levels.	7/20/04	9/18/04	1. 8/25/04 2. 9/12/04 3. 9/2/04 4. 9/13/04 5. 10/15/04[C] (permit issued 9/29/05) 6. N/A 7. N/A	1-5 A,F 6-7 E
19	TCEQ Air Permit No. 813, Special Condition No. 4	Permit No. 813 limits the maximum hourly throughput limit for Hexamethylenediamine (HMD) Oil burned in the Diamine Power House (DPH) to the representations in Confidential Section 2 and Appendix C to the October 1997 permit amendment application.	The facility exceeded the average hourly throughput limit for HMD Oil burned in the DPH.	On October 15, 2004, the facility submitted a request to TCEQ to alter Permit No. 813 to clarify the allowable HMD Oil burning rate for the DPH. TCEQ issued a revised permit on 10/12/05.	7/20/04	9/18/04	10/15/04[C] (permit issued 10/12/05)	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
20	30 T.A.C. § 116.111(a)(2)(D); TCEQ Air Permits No. 812 and 813; 40 C.F.R. § 60.40(c)	In order to be granted a permit amendment, the applicant must include information which demonstrates that emissions from the facility meet New Source Performance Standards (NSPS). NSPS for Industrial Steam Generators installed after August 17, 1971 limit NOx, SOx and PM.	The facility's air permit amendment application for the adipic powerhouse (APH) and diamine powerhouse (DPH) submitted in October 1997 incorrectly stated that NSPS Subpart D did not apply to Boilers No. 4, 7, and 8 despite the fact that the boilers were constructed after the rule effective date of August 17, 1971.	1. On October 15, 2004, the facility submitted a request to TCEQ to alter TCEQ Air Permits No. 812 and 813 to reflect the fact that Boilers No. 4, 7, and 8 are subject to Subpart D. TCEQ issued revised permits on 9/29/05 and 10/12/05, respectively. 2. The facility also sampled the APH waste liquids for sulfur to demonstrate compliance with the underlying fuel standards.	7/27/04	9/25/04	1. 10/15/04[C] (permits issued 9/29/05 and 10/12/05) 2. 8/25/04	A,F
20.1	30 T.A.C. § 116.111(a)(2)(D); TCEQ Air Permits No. 812 and 813; 40 C.F.R. § 60.40(c)	Facilities subject to NSPS for Industrial Steam Generators installed after August 17, 1971 must comply with the substantive limits for NOx, SOx and PM and performance and compliance demonstration.	The facility has not determined whether it meets the substantive requirements of NSPS Subpart D or performed a compliance test for boiler No. 4.	On 7/15/05, INVISTA submitted a letter to TCEQ proposing a method for monitoring NOx emissions from Boiler 4 and also seeking TCEQ approval of the proposed method to demonstrate compliance with the NSPS Subpart D NOx standard. INVISTA is awaiting a response to this request. On 1/20/06, INVISTA submitted a letter to EPA and TCEQ seeking an additional extension of time and setting forth INVISTA's schedule to certify the CEMS installed on Boiler 4 due to the fact that it has not received EPA feedback on its proposed monitoring method. During the testing of Boilers No. 4, 7, and 8, opacity was measured by a continuous opacity monitor system (COMS) and Method 9 was not performed. On 9/15/05, the facility requested confirmation from TCEQ that the COMS data satisfies the NSPS Subpart D compliance demonstration requirements for Boilers No. 4, 7, and 8. As INVISTA has not received an objection to COMS data, it assumes that the COMS data, being more conservative, satisfies the NSPS Subpart D requirements.	9/10/04	11/9/04 Per letter dated 1/20/06, extension requested until 4/30/06 to certify the NOx CEMS for Boiler 4.	Boiler 7: 12/22/04 Boiler 8: 12/29/04 Boiler 4: Testing 1/21/05; Compliance Plan 3/1/05 See Tab 18.A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
21	TCEQ Air Permit No. 23271, Special Condition No. 5; TCEQ Air Permit No. 20011, Special Condition No. 2; TCEQ Air Permit No. 7186, Special Condition No. 5	Except as may be provided for in the special conditions of the permit, all waste gas from point sources containing volatile organic compounds (VOC) and/or other organic compounds (hydrocarbons and/or hydrocarbon derivatives excluding carbon dioxide) shall be routed to a flare.	The facility currently routes waste gas from point sources containing VOC and other organic compounds to the power plant for combustion in the BIF units rather than to a flare.	Per request, on October 15, 2004, the facility submitted a request to TCEQ to alter Permits No. 23271, 20011, and 7186 to clarify that it is acceptable to burn vent gases in the BIF units. TCEQ issued revised permit Nos. 23271 and 7186 on 9/22/05. TCEQ issued revised permit No. 20011 on 6/3/05.	7/26/04	9/24/04	10/15/04[C] (permits issued 6/3/05 and 9/22/05)	A,F
22	30 T.A.C. § 116.115(b)(2)(F)	The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the Maximum Allowable Emission Rate table attached to the permit.	The facility does not maintain calculations to demonstrate conformance with the hourly or annual limits outlined in the MAER tables in each of its NSR permits.	The facility determined that the facility is demonstrating compliance with the MAER table limits using required methods set forth in its permit.	7/15/04	N/A	N/A	E
22.1	TCEQ Air Permit No. 812, Special Condition No. 5.	Adipic Powerhouse Boilers No. 1, 2, 3, and 4 must comply with all requirements of 40 C.F.R. Part 60, Subparts A and D when burning 100 percent fossil fuel.	The facility has submitted quarterly notifications to TCEQ that the boilers did not burn 100 percent fossil fuels despite the fact that Boilers No. 1, 2, 3, and 4 burned 100 percent fossil fuel (i.e., methane) during periods of startup and shutdown.	The facility has submitted a request to TCEQ for alteration of Permit No. 812 to clarify that Boilers No. 1, 2, and 3 are not subject to NSPS Subparts A and D. The facility also will include periods when Boiler No. 4 burns 100% fossil fuels in future quarterly notifications. The facility consolidated several permit amendments and submitted them on 10/15. TCEQ issued a revised permit on 9/29/05.	7/22/04	9/20/04	10/15/04[C] (permit issued 9/29/05)	B,F
23	30 T.A.C. § 116.111(a)(1)	Applications for permits, permit amendments and special permit amendments must be signed by an authorized representative.	The permit renewal applications for the Cogeneration unit, AOP, ADN and AA were not signed by an authorized representative of the corporation.	The facility determined that the permit renewal applications where signed by an authorized representative of the corporation satisfying Texas air permitting requirements.	7/26/04	N/A	N/A	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
24	30 T.A.C. § 116.110(a)	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source.	1. In June 1999, HCN ammonia enricher tails and ADN nitrile stripper dilute aqueous streams that contain trace amounts of ammonia were routed to the 311 EQ tank under § 106.472, despite the fact that emissions from the 311 EQ tank are not vented through a scrubber. PBR 106.472(9) disallows aqueous ammonia solutions unless vented to a scrubber. 2. The C-12 area added a new Urea Mix Tank in 2002 under § 106.472 despite the fact that the material stored in the Urea Mix Tank does not constitute an "aqueous salt solution" or other chemical authorized under § 106.472. 3. As part of the C-12 area's 2003 TRI reduction project, the facility changed the service of the existing MS Feed Decanter and MS Feed Tank (and changed their names to EAW Decanter and EAW Nuet. Tank, respectively) under § 106.532 despite the fact that the stream routed to the MS Feed Decanter and MS Feed Tank is ultimately disposed of by deep well injection which is prohibited by § 106.532(3)(C).	1. The facility submitted a PBR registration to TCEQ for the routing of the HCN ammonia enricher tails and ADN nitrile stripper dilute aqueous streams to the 311 EQ tank and requested confirmation that the routing of these streams to the 311 EQ tank was properly authorized under § 106.472. On October 14, 2004, the facility received a letter from TCEQ (PBR Registration No. 73819) stating that the routing of these streams to the 311 EQ tank was properly authorized under § 106.472. Thus, there was no violation related to this finding. 2. The facility has submitted a PBR registration to TCEQ for the Urea Mix Tank based on §§ 106.261 and 106.262. 3. The facility has submitted a PBR registration to TCEQ for the TRI reduction project based on §§ 106.261 and 106.262, which allows for the emissions from disposal.	7/22/04	9/20/04	1. 9/22/04 2. 9/20/04 3. 9/20/04	E,D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
25	30 T.A.C. § 116.110(a)	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source.	The facility incorrectly evaluated air toxics increases when the flow through the Biotreatment system was increased from 51 gpm to 1408 gpm. The original evaluation only considered an increase to 550 gpm.	The facility submitted a PBR registration to TCEQ for the routing of the HCN ammonia enricher tails and ADN nitrile stripper dilute aqueous streams to the Biotreatment ADN/311 Equalization Tank and requested confirmation that the routing of these streams to the 311 EQ tank was properly authorized under § 106.472. Emission calculations included with the PBR registration reflected a maximum throughput rate of 1,411 gpm. On October 14, 2004, the facility received a letter from TCEQ (PBR Registration No. 73819) stating that the routing of these streams to the Biotreatment ADN/311 EQ tank was properly authorized under § 106.472.	9/4/04	11/3/04	9/22/04	D,F
26	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G - Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. § 63.152(c)	The owner or operator of a source subject to 40 C.F.R. Part 63, Subpart G shall submit semi-annual Periodic Reports.	The facility has not included as a process vent the Nickel Recovery Unit (NRU) distillation column (ID 10RSY224) in the Subpart G semi-annual Periodic Reports.	The facility had previously determined that the wastewater stream entering the NRU is a group 2 stream and thus the NRU was not subject to group 1 control and/or reporting requirements. The NRU has been shut down since 5/29/04 and currently there are no plans to re-start it. The facility completed a comprehensive HON wastewater stream identification for all HON units on 11/10/04.	7/21/04	9/19/04	5/29/04	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
27	30 T.A.C. § 13.120 (adopting by reference 40 C.F.R. Part 63, Subpart G - Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. § 63.147(b)(8)	The facility must determine whether each wastewater stream is a Group 1 or Group 2 wastewater stream by making the determination either at the point of generation or downstream using adjustment factors to account for dilution.	Records were not sufficient to demonstrate that Group 2 downstream (diluted) determinations for ADN and C-12 wastewater streams were properly made (i.e., dilution factors were properly applied).	The facility completed a comprehensive HON wastewater stream identification for all HON units on 11/10/04. The facility identified one Group 1 stream in the ADN unit previously determined to be a Group 2 stream. See Tab 13.B, No. 1 for more information.	7/21/04	9/19/04	11/10/04	D,F
28	30 T.A.C. § 116.160	Each proposed new major source or major modification shall comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations promulgated by EPA at 40 C.F.R. § 52.21.	The PSD netting analysis provided in the APH/DPH modification permit application submitted to TCEQ in October 1997 is not consistent with information contained in the facility's internal PSD netting table. As a result, despite the fact that the netting analysis contained in the permit application reflected a net decrease in PM10 emissions, based on the information contained in the facility's internal PSD netting table, the APH/DPH modification appears to have resulted in a significant net increase in PM10 emissions and, therefore, triggered PSD permitting requirements for PM10.	This modification occurred prior to INVISTA's ownership. Further, it is unclear that the internal netting table is accurate or that the table submitted to TCEQ is inaccurate. INVISTA sought an extension to until it conducted a facility-wide PSD audit to determine compliance with PSD permitting requirements. The results of the PSD audit were set forth in the Fourth Quarterly Report and are the subject of ongoing meetings with EPA.	7/27/04	9/25/04 Current extension request seeks until 2/28/07 to develop corrective measures.	PSD audit complete. See Tab 13.E for PSD Findings. See Tab 18.A (corrective action dates for PSD findings)	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
29	40 C.F.R. §§ 60.115b(d)(1) and 60.665(l)	New Source Performance Standards require the submittal of Periodic Reports every 6 months from the start-up date of each unit subject to the NSPS standard.	The facility submits semi-annual periodic reports for three distillation columns and three tanks every January and July, rather than on the 6-month anniversary of the date of initial start-up of each source.	The facility determined that the current 6-month submittal of periodic reports complies with the NSPS requirements.	7/26/04	N/A	N/A	E
29.1	40 C.F.R. § 60.663(b)(2)	For vent gases controlled by a flare, NSPS NNN requires a flow indicator that provides a record of vent stream flow to the flare at least once every hour.	The flare serving the Nitrile Stripper Column is not equipped with a flow indicator.	The facility ceased operating the Nitrile Stripper Column on June 3, 2004. The facility has determined and TCEQ concurred by letter dated 12/20/05 that the NSC is a wastewater treatment unit under the HON. Accordingly, it is not subject to NSPS NNN as a process unit.	9/22/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
30	40 C.F.R. §§ 60.7, 60.665, and 60.705	Federal regulations for reactors and distillation columns require notification once a source becomes subject to a New Source Performance Standard (NSPS), and semiannual reporting.	(1) In 1998, the facility modified the HMD plant. Notification that NSPS was triggered for the reactors (Subpart RRR) and distillation columns (Subpart NNN) was not made, and the HMD reactors and distillation columns have not been included in the semiannual Periodic Reports. (2) The specialty products distillation columns (SP-1 and SP-2) were originally designated as NSPS Subpart NNN sources based on construction dates but subsequently were removed from the NSPS program by the facility based on the belief that the columns were operated in batch mode, which exempts distillation columns from NSPS. However, the SP-1 and SP-2 distillation columns do not operate in batch mode as defined in Subpart NNN and, therefore, are subject to Subpart NNN and must be reported to be NSPS sources and included in the semiannual Periodic Reports.	(1) As a precaution, the facility included the HMD reactors and distillation columns in the Periodic Report that was submitted on 9/24. The facility determined that the 1998 HMD expansion at issue did not trigger NSPS. (2) Upon further analysis, the facility determined that this process is not regulated under NSPS NNN because it does not produce as a product, by-product, co-product or intermediate any of the chemicals listed in the applicability tables to NNN.	7/26/04	9/24/04	1. 9/24/04 2. N/A See Tab 18.B	E
30.1	40 C.F.R. § 60.663(b)(2)	For vent gases controlled by a flare, NSPS NNN requires a flow indicator that provides a record of vent stream flow to the flare at least once every hour.	The flare serving the HMD process is not equipped with a flow indicator.	The facility determined that the 1998 HMD expansion at issue did not trigger NSPS. Therefore, the flare is not required to be equipped with a flow indicator.	9/22/04	11/21/04	11/19/04	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
31	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A - General Provisions); 40 C.F.R. § 63.10(b)(3)	The owner or operator must keep a record of the negative applicability determination for each major source MACT standard that may be applicable where: (1) the owner or operator emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f); (2) the stationary source is in the source category regulated by the relevant standard; and (3) the source is not subject to the relevant standard because of limitations on the source's potential to emit or an exclusion.	The facility has not documented the negative applicability of recently-issued NESHAP regulations, including the following potentially applicable standards: (1) Subpart MMMM (Surface Coating of Miscellaneous Metal Parts and Products). (2) Subpart PPPP (Surface Coating of Plastic Parts and Products). (3) Subpart RRRR (Surface Coating of Metal Furniture). (4) Subpart YYYY (Stationary Combustion Turbines).	The facility prepared and placed in its files a signed negative applicability determination for 40 C.F.R. Part 60, Subparts MMMM, PPPP, RRRR, and YYYY.	7/26/04	9/24/04	9/24/04	D,F
32	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A - General Provisions); 40 C.F.R. § 63.10(d)(5)(i)	The start-up, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted semiannually.	The semiannual Periodic Reports submitted for the HON (Subpart G) and Off-Site Waste and Recovery Operations (OSWRO, Subpart DD) that include the start-up, shutdown and malfunction reports, were not signed and certified by a responsible official or a properly delegated representative.	The facility has established a system to ensure that future start-up, shutdown, and malfunction reports are signed and certified by a responsible official or a properly delegated representative.	7/27/04	9/25/04	9/16/04	B,F
33	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F - Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. § 63.104(a)	Unless one or more of the conditions specified in § 63.104(a)(1) through (a)(6) are met, owners and operators of sources subject to HON Subpart F shall monitor each heat exchange system used to cool process equipment in a chemical manufacturing process unit.	The C-12 and ADN heat exchanger systems are not being monitored for leaks in accordance with HON Subpart F requirements despite the fact that they are not operated with a pressure differential of at least 35 kPa and, therefore, do not meet § 63.104(a)(1).	On October 15, 2004, the facility began monitoring the C-12 and ADN heat exchangers systems for leaks pursuant to 40 C.F.R. Part 63, Subpart F requirements. The facility subsequently determined that the C-12 unit is not subject to the HON and EPA concurred with the facility by letter dated 8/29/05.	7/26/04	9/24/04	10/15/04[D]	(C-12) E (ADN) A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
34	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. § 63.113(a)(2); 30 T.A.C. § 115.122(b)	Federal regulations require control of process vent gases from Group 1 vents and demonstration that destruction efficiencies are being met. Similarly, TCEQ regulations require control of process vents from Synthetic Organic Chemical Manufacturing Industry (SOCMI) distillation and reactor units and demonstration that minimum destruction efficiencies are being met.	The facility has not demonstrated that the required destruction efficiencies are being met at temperatures below the BIF certification levels. The facility routes its HON vent gas streams to BIF units that have certified compliance with the interim standards found at 40 CFR Part 266. However, the facility introduces HON vent gases at temperatures below the BIF certification levels. Performance testing has not been conducted at the lower temperatures to ensure conformance with the required destruction limits at the lower temperatures.	The facility will not introduce HON vent gases to the BIFs at temperatures below the BIF certification levels. The boiler low temperature distributed control system (DCS) alarm procedures have been modified to reinforce the prohibition on HON process gases entering the boiler furnace if the exit temperature is below limits identified in DRE testing of the BIF boilers.	7/27/04	9/25/04	9/9/04	B,F
35	30 T.A.C. §§ 106.532(3)(B) and 116.110(a)	Any person who plans to construct any new facility or modify an existing facility which may emit air contaminants into the air shall obtain a permit, satisfy the conditions of a standard or flexible permit, satisfy the conditions for facilities permitted by rule, or satisfy the criteria for a de minimis facility or source. Disposal facilities using land surface treatment are not permitted by rule.	Land application of bio-solids occurring on-site is not addressed by the facility's biotreatment plant NSR permit or by an applicable PBR.	The facility determined that neither an NSR permit or PBR is required for this practice.	7/26/04	N/A	N/A	E
36	30 T.A.C. §§ 116.110(a) and 106.454(1)(A)(ii)	For degreasing units authorized under § 106.454, the owner or operator of the degreaser must keep monthly records of total solvent makeup (gross usage minus waste disposal).	The facility is not maintaining records of solvent usage on a monthly basis for three degreasers authorized under § 106.454.	As of September 3, 2004, the facility has conducted a review of all active degreasing units and has instructed each area with a degreaser to maintain monthly records of solvent usage and to add an entry in their wall chart to verify documentation of solvent usage.	7/22/04	9/20/04	9/3/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
37	30 T.A.C. §§ 116.110(a) and 106.433	Paint spray booths are permitted by rule provided they meet the criteria specified in § 106.433, including: (1) Emissions shall be exhausted through elevated stacks that extend at least 1.5 times the building height above ground level. (2) Data of daily coatings and solvent use and the actual hours of operation of each coating or stripping operation must be maintained at the plant site.	The facility's paint spray booth and blast yard do not comply with PBRs 106.433 and 106.436 as follows: (1) The paint spray booth's stack height is less than the required 1.5 times the height of the building. (2) The logs currently being maintained for paint usage in the paint spray booth and the blast yard do not contain the amounts and types of solvents used. (3) The logs currently being maintained to track coatings used do not include the VOC content of each material.	(1) As of August 31, 2004, the facility has ceased all coating operations within the paint spray booth. If the facility uses the booth again, prior to using the booth, the height of the paint spray booth stack will be increased to the required 1.5 times the height of the building. (2) As of August 25, 2004, the facility has updated the paint usage logs for the spray booth and blast yard to include the amounts and types of solvents used. (3) As of August 25, 2004, the facility has updated the paint usage logs to include the VOC content of each material used.	7/22/04	9/20/04	1. 8/31/04 2. 8/25/04 3. 8/25/04	B,F
38	30 T.A.C. §§ 116.110(a) and 116.116; Special Exemption No. X-4751	Representations with regard to construction plans and operation procedures in an application for a special exemption are conditions upon which a special exemption are issued.	Facility personnel operate a groundwater air stripper (Special Exemption No. X-4751) in a manner inconsistent with the original representations in the application for special exemption. The special exemption application represented that the groundwater air stripper would be used for the removal of tetrachloroethylene only. The groundwater air stripper is remediating benzene, arsenic, barium, cyanides, acetophenone, cobalt, copper, nickel, phenol, and toluene.	Although INVISTA operates the groundwater air stripper, Special Exemption No. X-4751 is held by DuPont. Therefore, INVISTA notified DuPont of the need to apply for a new Permit by Rule or permit.	7/22/04	9/20/04	9/24/04	A,F
39	40 C.F.R. § 112.20(e)	Facilities that handle and store oil and that do not meet the substantial harm criteria listed in Attachment C-I to Appendix C must complete and maintain at the facility the certification form contained in Attachment C-II to Appendix C	The facility does not meet the criteria for a substantial harm facility and has completed the required certification. However, the certification was made by the PE that developed the plan, not by the owner or operator.	The substantial harm form has been signed by the EHS Manager and included within the SPCC plan.	7/21/04	9/19/04	9/17/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
40	40 C.F.R. §§ 112.3 and 112.7	The facility must prepare a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with the procedures set forth in the regulations.	The facility's SPCC Plan had 26 categories of technical deficiencies and secondary containment may not be adequate as described in the Plan because it does not address certain oil drums sitting on gravel or the dirt portion of the Wood Lined ditch.	The facility modified the SPCC Plan to correct the numerous technical deficiencies. In addition, the facility has installed necessary secondary containment.	7/21/04	9/19/2004 Extension requested until 11/15/04	11/15/04	A,F
41	40 C.F.R. §§ 82.156(i)(5), 82.156(i)(9), and 82.166(k)	Owners or operators of comfort cooling systems that contain or use Class I or II ozone depleting substances are required to maintain records, repair leaks and provide notifications relating to the use of refrigerants.	Of the repairs performed on refrigerant containing comfort cooling systems, the following issues were identified: (1) 8 follow up tests were not completed within 30 days of charging the system. (2) There were no records that follow-up testing was completed for 3 units. (3) Repairs were not completed within 30 days and reports were not submitted to EPA for 13 units.	Upon review of additional information and further analysis:(1) The facility determined that there is no follow-up test requirement for comfort cooling systems, so the failure to complete follow-up testing within 30 days is not a violation.(2) The facility determined that there is no follow-up test requirement for comfort cooling systems, so the failure to perform follow-up testing within 30 days is not a violation.(3) This finding was made in error. The facility's records indicate that all 13 units were repaired within 30 days, and there is no requirement that reports be submitted to EPA under these circumstances.	7/26/04	N/A	N/A	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
42	40 C.F.R. §§ 82.156(i)(2), 82.156(i)(9), and 82.166(k)	Owners or operators of industrial process refrigeration equipment appliances that contain or use Class I or II ozone depleting substances are required to maintain records, repair leaks and provide notifications relating to the use of refrigerants.	The following deficiencies were identified in the review of the repairs of CFC-containing process equipment: (1) Leak rate calculations were not completed for 2 pieces of industrial process refrigeration equipment. (2) Leak rate calculations for 3 pieces of industrial process refrigeration equipment for the period before 2003 had not been maintained for 3 years. (3) The dates of follow-up testing for 3 sets of repairs for a piece of industrial process refrigeration equipment were not included in the facility's records. (4) Repairs were not made and reports were not submitted to EPA for a piece of industrial process refrigeration equipment on 2 occasions.	(1) The facility determined that the 2 pieces of industrial process refrigeration equipment contain a refrigerant that is not a Class I or II ozone depleting substance. (2) The facility determined that the finding is not accurate regarding 2 of these 3 pieces of industrial process refrigeration equipment because they contain a refrigerant that is not a Class I or II ozone depleting substance. For the third piece, the facility has revised its site procedures and conducted refresher training to ensure that all required records are maintained for 3 years. (3) The facility determined that the records were present on site but had not yet been entered on the facility's master spreadsheet. (4) The records of these repairs were located and they indicate that the repairs were made within 30 days. There is no requirement that reports be submitted to EPA under these circumstances.	7/26/04	(1) N/A (2) 9/24/04 (3) N/A (4) N/A	(1) N/A (2) 9/9/04 (3) N/A (4) N/A	E (No. 2) D,F
43	30 T.A.C. § 285.34(d)	State regulations require periodic cleaning of grease traps for kitchen areas that discharge grease and oil to on-site septic facilities.	Records were not readily available to demonstrate that the recreational facility clubhouse kitchen grease trap is routinely serviced.	Upon further review, the facility determined that the applicable regulations do not require that records of grease trap servicing be kept. The facility does periodically service the grease traps, and therefore, no corrective action is needed.	7/22/04	N/A	N/A	E
44	30 T.A.C. § 285.39(b)	Owners of on-site sewage facilities shall have the treatment tanks pumped on a regular basis to prevent sludge accumulation from spilling over to the next tank or outlet device. Owners of treatment tanks shall engage only persons registered with the executive director to transport the treatment tank contents.	Records were not readily available to demonstrate that the facility self-pumps the septic system on a periodic basis and disposes of the removed material into the on-site domestic treatment works and that only persons registered with the executive director are authorized to transport the treatment tank contents.	Upon further review, the facility determined that no corrective action is needed because there is no requirement to keep records of septic system pump outs and the transport never leaves INVISTA property and the facility audit did not find any noncompliance regarding the substantive requirements.	7/20/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
45	30 T.A.C. § 305.128	Discharge monitoring reports (DMRs) must be signed by a responsible corporate official or a duly authorized representative of the responsible corporate official.	Following the change in ownership from DuPont to INVISTA, monthly DMRs were not signed by personnel with proper signatory authority.	The Plant Manager has been assigned the authority to sign documents in accordance with corporate procedures and has delegated to the EHS manager signature authority.	7/21/04	9/19/04	8/26/04 for Plant Manager 9/16/04 for EHS Manager	C
46	30 T.A.C. § 305.64(e)	If a person attempting to acquire a permit causes or allows operation of the facility before approval is given, such person shall be considered to be operating without a permit or other authorization.	Notification of the transfer of ownership for UIC Waste Disposal Well Permits No. WDW-004, WDW-028, WDW-029, WDW-30, WDW-105, WDW-106, WDW-142, WDW-143, and WDW-144 was submitted to TCEQ on March 9, 2004. However, transfer of the permits to INVISTA has not yet occurred.	On September 20, 2004, the facility submitted a minor amendment to the permit transfer application per TCEQ's request to change the permittee name and reflect the fact that there is more than one captured facility at the site. TCEQ issued a revised permit on 6/22/05.	7/27/04	9/25/04	9/20/2004 (permit issued 6/22/05)	E
47	30 T.A.C. § 335.224(5)(H)(ii)	The facility's BIF correspondence file must include all correspondence between the facility and the Regional Director of the EPA, state and local regulatory officials.	The facility's interim status BIF correspondence file did not include all required information, including: (1) Copies of EPA and TCEQ site visit reports. (2) Enforcement notifications of violations. (3) All correspondence between the facility and the Regional Director, state and local regulatory officials.	As of August 25, 2004, the BIF correspondence file has been updated to include all required information.	7/20/04	9/18/04	8/25/04	D,F
48	30 T.A.C. § 331.9(b)	Injection into Class V wells used for the disposal of greater than 5,000 gallons per day of sewage must be authorized by a wastewater discharge permit from the commission under Chapter 305 of the title before the operations begin.	The facility has not applied for a permit or submitted the required inventory data for the operation of three septic systems associated with the on-site recreational facility.	Upon further review, the facility determined that this is not a violation because the septic system installation predates the regulation and is thus exempt from the permitting requirements and/or inventory requirements.	7/20/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
49	30 T.A.C. Chapter 334	Owners and operators of underground storage tanks (USTs) must comply with UST registration, certification, operating, construction, and leak detection requirements.	The facility has numerous sumps that are greater than 110 gallons in capacity and that do not meet any other exemptions from the UST program.	Upon further legal review, the facility determined that the 110 gallon sumps do meet certain exemptions (i.e., the wastewater collection and emergency spill exemptions) and thus are not regulated USTs.	7/22/04	N/A	N/A	E
50	30 T.A.C. § 334.7(d)	The owner or operator of a regulated UST system must provide written notice to TCEQ of a change in owner or operator within 30 days of the change.	The facility did not notify TCEQ in writing of the change in UST system ownership from DuPont to INVISTA within 30 days of such change.	The facility has received UST financial assurance and filed the amended UST self-certification with TCEQ.	7/15/04	9/13/04	9/10/04	C
51	30 T.A.C. § 335.476	Within 30 days of any revision of a facility's pollution prevention plan, a revised executive summary, including a copy of a new certificate of completeness and correctness, shall be submitted to TCEQ.	The Executive Summary for the facility's Pollution Prevention Plan had not been revised to reflect INVISTA ownership or submitted to the TCEQ within 30 days of the change as required.	The Pollution Prevention Plan Executive Summary has been revised to reflect INVISTA ownership and was submitted to TCEQ.	7/26/04	9/24/04	9/15/04	C
52	30 T.A.C. § 335.6	Industrial and hazardous waste generators must complete a Notification of Registration (NOR) detailing waste generation and management activities.	The NOR for the facility, Solid Waste Registration No. 87449 and EPA ID: TXR000057968, does not detail waste generation and management activities. Hazardous and industrial wastes generated on site and storage units maintained at the facility are not identified.	On September 12, 2004, the facility's NOR was updated to detail waste generation and management activities and to identify hazardous and industrial wastes generated on site and storage units maintained at the facility excluding the RCRA permitted units. On 4/11/05, the facility's RCRA permitted units were transferred to INVISTA and TCEQ subsequently updated the NOR for the RCRA units. TCEQ did not update the BIF units because they are in interim status. On 1/23/06, the facility requested that TCEQ update the NOR for the BIF units as well.	7/27/04	9/25/04	9/12/2004 (initial NOR update) 1/23/06 (request to update NOR for BIFs) See Tab 18.B	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
53	30 T.A.C. § 335.69(a) and (b)	A generator may accumulate hazardous waste on-site for 90 days without a permit or interim status provided the requirements specified in 30 T.A.C. § 335.69(a) are met.	The facility stored hazardous waste in the following storage containers for greater than 90 days without the containers having been identified in the facility's hazardous waste permit (Permit No. HW-50056-001): CS-1: waste oil was stored for 94 days (from 4/12/04 to 7/15/04).	As of August 25, 2004, facility personnel have been retrained to haul/empty containers at least every 80 days, and a new documentation card has been placed on CS-1 to better indicate empty and fill dates.	7/20/04	9/18/04	8/25/04	D,F
54	30 T.A.C. § 335.69(d) 40 C.F.R. § 262.34(c)(1) 30 T.A.C. § 335.112(a)(8) (adopting by reference 40 C.F.R. Part 265, Subpart I - Use and Management of Containers); 40 C.F.R. § 265.173(a)	A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, if, among other things, the containers are marked either with the words "Hazardous Waste" or with other words that identify the contents of the containers. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.	(1) Broken thermometers in the laboratory in Building 3 were not containerized or labeled. (2) The hazardous waste accumulation area located outside the laboratory in Building 3 did not meet the criteria for satellite accumulation. Drums containing hazardous waste, laboratory pack material, and cyclooctadiene vial mixture located in the accumulation area were not under the control of the operator of the process generating the waste. (3) A container of used sharps located in the laboratory in Building 3 was not maintained closed during storage. (4) Drums containing hazardous waste, stored on the porch outside of the laboratory in Building 3, were not maintained closed during storage.	(1) As of August 25, 2004, the broken thermometers in the Building 3 laboratory have been placed in a properly labeled container. (2) As of September 15, 2004, lids with lock mechanisms have been installed on the drums containing hazardous waste, laboratory pack material, and COD vial mixture in the accumulation area located outside of the Building 3 laboratory thereby providing access only to the operator generating the waste. (3) As of August 25, 2004, personnel in Building 3 have been instructed as to the requirement to maintain the container of used sharps in a closed position except when adding or removing waste. (4) As of August 25, 2004, the bungs of the drums containing hazardous waste, stored on the porch outside the Building 3 laboratory, have been tightened and personnel have been instructed to ensure that the bungs remained tightly closed during storage.	7/20/04	9/18/04	1. 8/25/04 2. 9/15/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
55	30 T.A.C. § 335.112(a)(8) (adopting by reference 40 C.F.R. Part 265, Subpart I - Use and Management of Containers); 40 C.F.R. § 265.174	Owners and operators of hazardous waste facilities must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.	The weekly inspection documentation for Container Storage Area 29 for the week of 5/2/04 did not include the inspector's first name. Weekly inspection documentation for Container Storage Area 1 included only the inspector's first name or initials beginning 7/1/03 and extending until the time of the audit.	As of August 25, 2004, the forms for future inspections were changed to note that the inspector's full name must be included.	7/20/04	9/18/04	8/25/04	B,F
56	30 T.A.C. § 335.112(a)(3) (adopting by reference 40 C.F.R. Part 265, Subpart D - Contingency Plan and Emergency Procedures, except 40 C.F.R. § 265.56(d)); 40 C.F.R. §§ 265.51(a) and 265.54.	Owners and operators of hazardous waste facilities must have a contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever the facility changes in a way that is material.	The following deficiencies/discrepancies in the facility's contingency plan were noted: (1) INVISTA was not identified as the owner of the facility. (2) Injection wells 10 and 11 (hazardous waste units) were listed as active instead of inactive. (3) The west landfill was listed as closed instead of active.	As of August 25, 2004, the facility's contingency plan has been amended to identify INVISTA as the owner of the facility and to update the information regarding the status of injection wells 10 and 11 and the west landfill.	7/20/04	9/18/04	8/25/04	A,F
57	30 T.A.C. § 335.112(a)(2) (adopting by reference 40 C.F.R. Part 265, Subpart C - Preparedness and Prevention); 40 C.F.R. § 265.35	Owners and operators of hazardous waste facilities must maintain aisle space to allow the unobstructed movement unless aisle space is not needed for any listed purpose.	On July 15, 2004, inadequate aisle space was observed in the hazardous waste warehouse.	On July 16, 2004, warehouse personnel moved drums to provide adequate aisle space in the hazardous waste warehouse.	7/15/04	9/13/04	7/16/04	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
58	30 T.A.C. § 335.112(a)(1) (adopting by reference 40 C.F.R. Part 265, Subpart B - General Facility Standards); 40 C.F.R. § 265.15(d)	The owner or operator must record inspections in an inspection log or summary. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.	Documentation of daily tank inspections conducted for the C-12 Intermediate Area (WT-25, 27, 28, 60, 61, 62, 65, 68, 72 and 73) are not finalized on the day of inspection. Instead, the daily inspection documents are reviewed for completeness on a weekly or monthly basis. Following such review, any deficiencies are made known to the inspector, who then completes any missing information (i.e., levels, items to inspect, time of inspection).	As of August 24, 2004, area personnel have been instructed that no changes to inspection sheets are to be made after the inspection is completed.	7/15/04	9/13/04	8/24/04	B,F
59	TPDES Permit No. 00476	TPDES Permit No. 00476 requires the recording of various types of data for demonstrating compliance with the permit.	Entries on the Procedure and Sample Logs and Flow Measurement and Sampling Logs were observed to be covered with "whiteout" and replaced with new information (e.g., pH entry on March 5, 2003 and February 15, 2004).	While these entries occurred prior to INVISTA's ownership, the facility has implemented new procedures regarding the correction of records which prohibits the use of whiteout.	7/20/04	9/18/04	9/9/04	F
60	30 T.A.C. § 324.1 (adopting by reference 40 C.F.R. Part 279 - Standards for the Management of Used Oil); 30 T.A.C. § 324.6; 40 C.F.R. § 279.22(c)(1)	Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."	A drum of material awaiting disposal, located near the Acid Power Area used oil dumpster, was not labeled with the words "Used Oil."	As of July 26, 2004, the facility has prepared additional labels for used oil usage and has labeled the drum located near the Acid Power Area used oil dumpster. The facility also has reemphasized to area personnel the proper method for labeling used oil containers.	7/21/04	9/19/04	7/26/04	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
61	30 T.A.C. §§ 334.10(b)(2)(B)(ii) and (vii), 334.46(i)(2)(C)(i), and 334.51(c)(2)(B)	Owners and operators of UST systems must keep records of equipment information for all UST system components, including manufacturers' specifications, installation instructions, operating instruction, warranty information, recommended test procedures, and inspection and maintenance schedules. In addition, owners and operators must keep records of any servicing, calibration, maintenance and repair of any spill and overfill prevention equipment.	Copies of manufacturers' installation instructions, operating instructions, warranty information, recommended test procedures, and inspection and maintenance schedules for tank system components were not maintained in facility files. In addition, the facility did not maintain calibration records for spill and overfill equipment according to manufacturers recommendations.	Copies of manufacturers' installation instructions, operating instructions, and maintenance information were placed in a single binder at the facility for easy access and review.The facility determined that calibration records are not required because the spill and overfill equipment manufacturer does not recommend calibration of the equipment nor is calibration required pursuant to applicable codes and standards of practice.	7/21/04	9/19/04	9/15/04	E
62	30 TAC §§ 334.10(b)(2)(B)(vi) and 334.50(e)(2)(B)	The owner or operator shall maintain all written performance claims pertaining to any UST release detection system used, along with documentation of the manner in which such claims have been justified, verified, or tested by the equipment manufacturer and methodology used by the provider/vendor or independent third party evaluator.	The facility has three USTs that rely on vapor monitoring as a form of release detection. The facility does not possess records to demonstrate that vapor monitoring is adequate release detection for the three active USTs.	As of September 10, 2004, the site ceased relying on vapor monitoring as a mode of release detection from the USTs and associated piping. For the USTs, the facility switched to automatic tank gauging and inventory control. For the piping, the site will continue to perform annual pipe tightness testing and annual line leak detector testing. The vapor monitoring system will continue to be maintained as a back up system.	7/21/04	9/19/04	9/10/04	A,F
63	TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4; TPDES Permit No. 00476, Conditions 1(a) and 2(g)	Except as authorized by a rule, permit, or order issued by TCEQ, no person may discharge sewer, municipal waste, recreational waste, or industrial waste into or adjacent to any water in the State.	The outdoor shooting range is not addressed in the facility's TPDES permit as a potential source of surface water contamination despite the fact that storm water from the shooting range appears to mix with industrial storm water discharge.	An application for renewal of TPDES Permit No. 00476, which addressed the shooting range as a potential source of surface water contamination, was submitted to TCEQ on August 4, 2004. The shooting range has subsequently been closed.	7/20/04	9/18/04	8/4/04 See Tab 18.B	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
64	TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4; TPDES Permit No. 00476, Conditions 1(a) and 2(g)	Except as authorized by a rule, permit, or order issued by TCEQ, no person may discharge sewer, municipal waste, recreational waste, or industrial waste into or adjacent to any water in the State.	Filter backwashing and other activities associated with operation of the on-site swimming pool that result in discharges to waters of the State are not addressed in the facility's TPDES permit.	The swimming pool was closed as an interim measure to prevent discharges. In addition, discharges associated with the operation of the swimming pool were included in the facility's TPDES renewal application submitted to TCEQ on August 4, 2004.	7/20/04	9/18/04	8/4/04 See Tab 18.B	B,F
65	40 C.F.R. § 707.20(c)	Importers of chemicals must certify at the port of entry that the chemical substance either: 1) is subject to and in compliance with TSCA; or 2) is not subject to TSCA.	The facility has imported chemical samples without issuing an import certification at the port of entry. The facility has submitted post entry import certifications when imported chemicals received at the facility are identified.	The Industrial Hygiene procedure was revised to require documentation of unsolicited samples.	7/22/04	9/20/04	9/20/04	B,F
66	40 C.F.R. § 707.60(a)	Exporters of chemical substances or mixtures must notify the EPA of such exportation.	The facility has exported cyclohexanol (CAS # 108-93-0) to England and has not submitted an export notification to the EPA.	The TSCA export notification for cyclohexanol has been submitted to EPA. (See TSCA findings under Tab 14.A.)	7/22/04	9/20/04	9/20/04	B,F
67	40 C.F.R. § 717.12(a)	TSCA §8(c) requires facilities to create and maintain records of allegations received from employees that chemicals caused significant adverse effects on human health.	The facility has not recorded employee allegations of adverse health impact under TSCA §8(c) for a chemical burn to the face, tongue and right eye from the HMD barge unloading point and an odor from the C-12 area that caused headaches and nausea.	The Industrial Hygiene complaint form has been revised to require recording as potential TSCA §8(c) violations. Occupational Health Procedure No. 921, Reporting Adverse Health and Env. Effects under TSCA, has been revised to insure all on site and off site health and environmental allegations are forwarded to the Plant TSCA coordinator and INVISTA Occupational Health Capability Manager for determination of TSCA 8(c) recordability.	7/22/04	9/20/04	9/20/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
68	40 C.F.R. § 761.2(a)(2)	Transformers and capacitors manufactured prior to July 2, 1979 with oil-filled equipment with unknown PCB concentrations must be managed as if the equipment contains greater than 500ppm of PCBs.	Capacitors with unknown concentrations of PCBs were not presumed to contain greater than 500ppm PCB and were not being managed as PCB-containing equipment.	The site conducted a full assessment of PCB capacitors in the 1980s. Hundreds of known PCB capacitors were removed from the site and the site PCB capacitor list was "empty." Documentation and review of all capacitors has been redone to show that markings on the capacitors show non-PCB or that dates are past the PCB usage timeframe. The review of capacitors yielded 394 large capacitors. Of those, 16 could not be viewed until power is shutdown. The 16 were marked with a PCB marking on the outside of the cabinet until they are verified as non-PCB visually again.	7/22/04	9/20/04	9/17/04	B,F
69	TPDES Permit No. 00476; 30 T.A.C. § 305.125(11)(C)	Records of monitoring activities shall include the identity of the individual who collected the sample or made the measurement and the identity of the individual and laboratory who performed the analysis.	(1) Severn Trent Laboratories reports do not identify the individual(s) who collected the samples and who performed the analysis. (2) Pace Analytical reports do not clearly indicate who collected the samples.	The facility has sent letters to each lab requesting that future reports contain the missing data identified by the audit.	7/20/04	9/18/04	9/15/04	B,F
70	TCEQ Air Permit No. 809 (Adipic Acid)	The AOP flare is to be operated only in Emergency Service.	The AOP flare is operated to control start-up and shut-downs as well as process leaks.	The facility determined that the current operation of the AOP flare falls within the definition of Emergency Service because such operation is described in the permit application. Outside counsel conferred with TCEQ in making this determination.	7/21/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
70.1	30 T.A.C. §§ 101.201(a)(1) and (b)	As soon as practicable, but no later than 24 hours after the discovery of an emissions event, the owner or operator of a facility shall determine if the event is a reportable emissions event and notify TCEQ and local air pollution control agencies, if the emissions event is reportable, and create a final record of all reportable and non-reportable emissions events as soon as practicable, but no later than two weeks after the end of the emissions event.	On multiple occasions, ammonia has been detected in the AOP flare vent header thus causing the flare's ring burners to ignite for short periods of time. The facility has not recorded these events or reported them as emissions events to TCEQ.	The facility has begun recording these emissions events associated with the AOP flare in its emissions event records and will report to TCEQ any such events that result in emissions equal to or in excess of a reportable quantity and keep such reports.	8/12/04	10/11/04	9/10/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
71	TCEQ Air Permit No. 810, Special Condition No. 1	The adipic acid process must comply with the maximum hourly and annual emission rates listed on the maximum allowable emission rate (MAER) table.	The facility's 2003 Emissions Inventory for the adipic acid process indicates that the facility exceeded hourly and/or annual limits for: (1) Op1 and Op1A Catalyst Mix Tanks. (2) No. 1, 2, and 3 TWKA Storage Tanks. (3) Op1A No. 1 and 2 TWKA Receivers. (4) Op1 and Op1A Crude KA Tanks. (5) Op1A NVR tank. (6) Op1 No. 1 and 2 TWKA Receivers.	The tank emissions reported in the 2003 Emissions Inventory exceeded the allowable tank emission rates listed in the Permit No. 810 MAER table because of changes to AP-42 methodology that occurred around 1996. The facility submitted an air permit renewal application to TCEQ on August 19, 2004 using the current version of AP-42.	7/20/04	9/18/04	8/19/04 See Tab 18.B	D,F
72	30 T.A.C. § 101.10(a) and (d); NSR Permit No. 9560	The owner or operator of a source in Texas must submit emissions inventories and/or related data as required. The Cogeneration permit limits PM emissions to 11 tons per year and 2.6 lbs per hour.	The facility improperly reported 21 tons of PM from the cogeneration facility in the facility's 2003 Emission Inventory (EI), which was based on data generated by the prior owner.	The facility resubmitted the 2003 EI report to TCEQ on August 4, 2004 and thereby corrected the PM emissions reported for the cogeneration facility. The revised EI was based on a vendor-supplied emission factor for PM rather than the AP-42 emission factor used to prepare the initial 2003 EI. The corrected EI shows that the permit limits were not exceeded.	7/26/04	9/24/04	8/4/04	D,F
73	30 T.A.C. § 335.10	No generator of hazardous or Class 1 waste consigned to an off-site solid waste process, storage, or disposal facility within the United States shall cause, suffer, allow, or permit the shipment of hazardous waste or Class 1 waste unless a TCEQ manifest is prepared.	The facility offered Crude Cresol for transport without preparing an appropriate manifest.[B]	On 6/24/04 the facility ceased shipping Crude Cresol to the Sabine River Works facility. On 11/17/04 INVISTA met with TCEQ to discuss whether this should be treated as a product or waste under RCRA and sent a follow-up letter on 1/7/05 formally requesting a determination from TCEQ.	Identified through CAMS on 6/24/04	8/22/04	6/24/04 See Tab 18.B	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
73.1	30 T.A.C. § 335.69 (a)(1)(B); 30 T.A.C. § 335.112(a)(9) (adopting by reference 40 C.F.R. Part 60, Subpart J – Tank Systems); 40 C.F.R. Part 265, Subpart J	A hazardous waste generator may accumulate hazardous waste on site for 90 days provided that the waste is placed in a tank and the generator complies with the integrity assessment and certification and inspection requirements of 40 C.F.R. Part 265, Subpart J.	On 1/21/05 INVISTA discovered that since the facility ceased shipping the cresol to the Sabine River Works facility as product, it has not managed the cresol storage per the 90-day tank rules under RCRA.[A]	The facility obtained a written assessment dated 1/28/05 and certified by a professional engineer stating that the tank is adequately designed and has sufficient structural strength and compatibility with the hazardous wastes stored therein. The facility also began conducting daily inspections on 1/28/05 and included the tank on its Notice of Registration on 1/31/05 thereby meeting the RCRA 90-day tank rules.	1/21/05	3/22/05	1/31/05	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
74	30 T.A.C. §§ 335.2(a) and 335.6(g)	No person may cause, suffer, allow, or permit any activity of storage, processing, or disposal of any industrial solid waste or municipal hazardous waste unless such activity is authorized by a permit, amended permit, or other authorization from TCEQ. Any person who stores, processes, or disposes of industrial solid waste or municipal hazardous waste shall notify the executive director in writing of any activity of facility expansion not authorized by permit, at least 90 days prior to conducting such activity.	The facility received WFE tails mixed with cresol and/or MGN to be processed in the Nickel Recovery Unit (NRU). The facility is still investigation whether this material is hazardous waste and must first obtain a hazardous waste permit for treatment in the NRU.[B]	The facility ceased receiving this material and ceased operating the NRU. On 11/17/04 INVISTA met with TCEQ to discuss whether this should be treated as a product or waste under RCRA and sent a follow-up letter on 1/7/05 formally requesting a determination from TCEQ.	Identified through CAMS on 6/24/04	8/22/04	6/29/04 See Tab 18.B	B,F
74.1	30 T.A.C. § 335.69 (a)(1)(B); 30 T.A.C. § 335.112(a)(9) (adopting by reference 40 C.F.R. Part 60, Subpart J – Tank Systems); 40 C.F.R. Part 265, Subpart J	A hazardous waste generator may accumulate hazardous waste on site for 90 days provided that the waste is placed in a tank and the generator complies with the integrity assessment and certification and inspection requirements of 40 C.F.R. Part 265, Subpart J.	On 1/21/05 INVISTA discovered that since the facility ceased shipping the cresol to the Sabine River Works facility as product, it has not managed the cresol storage per the 90-day tank rules under RCRA.[B]	The facility obtained a written assessment dated 1/28/05 and certified by a professional engineer stating that the tank is adequately designed and has sufficient structural strength and compatibility with the hazardous wastes stored therein. The facility also began conducting daily inspections on 1/28/05 and included the tank on its Notice of Registration on 1/31/05 thereby meeting the RCRA 90-day tank rules.	1/21/05	3/22/05	1/31/05	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
			POTENTIAL EXCEPTIONS					
1	30 T.A.C. Chapter 334, Subchapter F	State regulations have provisions for the operation of regulated aboveground storage tanks, including registration, certification, and recordkeeping and reporting requirements.	The facility has been operating under the State AST exemption for petrochemical facilities. The facility uses the NAICS code for All Other Basic Organic Manufacturing facilities, not the NAICS code for petrochemical facilities.	The facility determined that the exemption for "petrochemical" facilities applies to this facility because the definition of "petrochemical" used by TCEQ is broader than the NAICS code definition. Thus, no corrective action is required.	7/15/04	N/A	N/A	E
2	30 T.A.C. Chapter 334	Underground storage tanks (USTs) must comply with the requirements of Chapter 334.	An evaluation of aboveground tanks with large volumes of regulated substances contained in underground piping has not been performed to determine whether such tanks fall within the definition of UST.	Performed assessment of underground piping to determine if there are any USTs as a result. The facility determined that the subgrade sumps and other units described by the auditor fit within one of the exemptions in the 30 T.A.C. Chapter 334 rules. (See No. 3 below.)	7/15/04	9/13/04	9/9/04	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
3	30 T.A.C. Chapter 334	Owners and operators of underground storage tanks (USTs) must comply with UST registration, certification, operating, construction, and leak detection requirements.	The dump tank at OP15 in the C-12 process does not meet the requirements for USTs if the flow-through process tank or waste water collection system exemptions do not apply.	On 9/9/04 the facility determined that the current use of the dump tank should qualify for one or more exemptions from the UST regulatory program as either a "flow-through process tank," a "wastewater treatment tank," or a "wastewater collection system." The facility sought confirmation from TCEQ that these exemptions apply. TCEQ responded on 12/7/04 that the "wastewater treatment tank" exemption would apply provided the dump tank is referenced in a permit as an integral part of the facility's wastewater treatment facility. However, the facility believes that the "process flow through" exemption (which requires no further action) also applies. On 2/25/05, the facility received a letter from TCEQ confirming that the dump tank does not contain a "regulated substance" and, therefore, is not regulated under TCEQ's UST regulations.	9/9/04	11/8/04	9/9/04	E
4	30 T.A.C. § 116.111(a)(2)(D); TCEQ Air Permits No. 812 and 813; 40 C.F.R. Part 60, Subpart Db	In order to be granted a permit amendment, the applicant must include information which demonstrates that emissions from the facility meet New Source Performance Standards (NSPS). NSPS for Industrial Steam Generators modified after June 19, 1984 limit NOx, SOx and PM.	It was not definitively determined by the audit team that modifications described in the permit application for the APH and DPH submitted in October 1997 and incorporating a modification in 1994 by reference did not constitute a "modification" to the steam generating units as defined by 40 CFR 60 Subpart A that would subject boilers 1-4, 7, and 8 to the NSPS requirements of 40 CFR 60 Subpart Db.	This potential modification occurred prior to INVISTA's ownership. Nonetheless, INVISTA conducted a review of this issue in conjunction with the PSD audit. The auditor concluded that the changes to these boilers did not constitute modifications triggering NSPS Db.	7/27/04	Per the 3/23/05 letter, extension requested until 5/31/05.	5/3/05	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
5	40 C.F.R. § 60.660, NSPS Subpart NNN	Federal regulations for distillation columns require notification once a source becomes subject to a New Source Performance Standard (NSPS), and semiannual reporting.	The facility installed a water wash recovery evaporator in Adipic Acid in 2000 which may be subject to NSPS Subpart NNN for distillation columns. If subject, the facility failed to notify TCEQ that NSPS was triggered for the distillation column and failed to submit semiannual Periodic Reports for the evaporator.	This installation occurred prior to INVISTA's ownership. In addition, upon further review, the facility determined that the evaporator is not a distillation column but recommended that regulatory guidance be sought. On 3/1/05, counsel for INVISTA sent a letter to TCEQ and EPA seeking confirmation that the water wash recovery evaporator is not a distillation column and is not subject to NSPS Subpart NNN. INVISTA received a response from EPA dated 8/29/05 indicating that EPA does not have sufficient information to determine whether the water wash recovery evaporator is subject to Subpart NNN and requesting additional information to make a final determination. On 11/16/05, INVISTA provide the requested information to EPA's 8/29/05 letter.	7/27/04	N/A	3/1/05 See Tab 18.B	E
6	TEX. WATER CODE § 26.121(a)(2)-(3); 30 T.A.C. § 335.4(1)	No person may discharge waste into or adjacent to any water in the State which in itself or in conjunction with any other discharge or activity causes pollution of any water in the State.	Equipment painting and surface preparation activities within 10 yards of the of the cooling water intake canal are a potential source of discharge (i.e. particulate matter or other materials) to waters of the state.	The facility determined that this is not a violation of any requirement because there is no indication that the operational practices result in the endangerment of public health and welfare or otherwise cause pollution.	7/20/04	N/A	N/A	E
7	40 C.F.R. Part 761	Dielectric oil-filled switches and panels must be properly marked, managed and disposed under the PCB regulations.	Numerous dielectric oil-filled switches and panels were observed at the facility and records were not readily available to demonstrate the presence and amount of PCBs in the dielectric oil.	A formal procedure is in place and has been communicated to all area personnel for testing and of switches and panels when oil is removed. The testing will be kept on file to document the existing panels do not contain PCBs.	7/22/04	9/20/04	9/17/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
EXCEPTIONS SELF-IDENTIFIED TO AUDITOR ARISING OUTSIDE OF THE AUDIT								
1	TCEQ Air Permit No. 809; 30 T.A.C. § 116.110(a)	A person must obtain a permit before beginning any actual work on a facility which may emit air contaminants into the air.	The facility's AOP NSR permit did not recognize the following emissions: 1. Nitrous Oxide released through the AOP main stack (EP No. 14 STK-001); 2. CO, VOC, SO2 and PM from the flare (EP No. 14STK-001A); and 3. Fugitive nitric oxide from the facility (EP No. 14FUG).	The facility submitted a renewal application to TCEQ in March of 2003 in which it has sought to correct these emissions.	SELF-IDENTIFIED March 2003; and reported to auditor on 7/26/04	N/A	Permit issued 8/12/04	A,F
2	TCEQ Air Permit No. 9560; 30 T.A.C. § 116.110(a)	A person must obtain a permit before beginning any actual work on a facility which may emit air contaminants into the air.	The facility's cogeneration unit air permit did not recognize the following emissions: 1. VOC from the combustion of natural gas (EP No. 12STK-001), distillate dumpster (EP No. 12CAD-001), routine maintenance (EP No. 12 STK-001); and Cogen fugitives (EP No. 12 FUG); and 2. CO, SO2 and PM from the combustion of natural gas for the cogeneration unit (EP No. 12 STK-001).	The facility submitted a renewal application to TCEQ in August of 2003 in which it has sought to correct these emissions.	SELF-IDENTIFIED August 2003; and reported to auditor on 7/26/04	N/A	Permit issued 8/12/04	A,F

[A.] These findings arose as part of the implementation of the CAMS and were originally provided to the auditor during the audit.

[B.] These findings arose as part of the implementation of the CAMS and were originally provided to the auditor during the audit.

[C.] The facility requested and received an extension of the 60-day corrective action deadline to submit revised permit applications until October 15, 2004. The facility has also requested an extension until the permits are issued.

[D.] The facility originally sought an extension of the 60-day corrective action deadline so that it could conduct an assessment of the heat exchange systems in both the C-12 and ADN areas. The further assessment confirmed that the C-12 unit is not subject to the HON requirements and the ADN heat exchangers are subject to the HON requirements.

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			EXCEPTIONS					
1	40 C.F.R. § 63.100(b), 63.107(h), 63.151(e), 63.152(a)(2), 63.152(b), 63.152(c)	Previously Identified in Part (Tab 1.A, No. 26). The provisions of Subparts F, G, and H of this part apply to chemical manufacturing process units that meet all the criteria specified.	The nitrile stripper column (NSC) and the nickel recovery unit (NRU) are waste management units that were constructed in 1999, were started up in 2000, and operate as recovery devices for the adiponitrile (ADN) chemical manufacturing process unit. As such, they should be considered part of the ADN CMPU for HON applicability purposes. While the NSC has been included in the ADN CMPU for applicability purposes and the associated vent stream has been classified as a Group 1 vent, the NRU and its vent (EU 10RSY224) have not been included. The NSC is a waste management unit in that it treats a wastewater stream. The NRU is a waste management unit in that it treats a residual from the NSC. The NSC is a recovery device in that it recovers an organic liquid from the wastewater stream that is then burned in the facility's boilers for its fuel value. The NRU is a recovery device in that it recovers nickel for reuse and recovers organic chemicals that are burned in the boilers for their fuel value. (continued)	(1) The NRU and NSC have been shut down. The facility has determined that the NSC is a wastewater treatment unit and not a process unit under the HON. On 2/18/05, the facility submitted a letter to TCEQ requesting confirmation of regulatory status prior to re-starting the NSC. By letter dated 12/20/05, TCEQ confirmed that the NSC is a wastewater treatment unit. Because the facility does not currently plan to re-start the NRU anytime in the near future, issues related to that unit were not addressed in the 2/18/05 letter. (2) The comprehensive stream identification process for the HON identified a Group 1 stream in the ADN unit that was previously identified as a Group 2 stream. The facility is continuing to evaluate appropriate compliance options for this stream.	10/26/04	12/25/04 Both NSC and NRU have been shut down. Current extension request seeks until 8/31/06 to develop corrective measures for the Group 1 stream identified in the ADN unit.	(1) N/A (2) Pending See Tab 18.A	(1) E (2) A, F

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			EXCEPTIONS					
			Because the NRU is a recovery device associated with the ADN CMPU, it should be considered to be part of that CMPU per the definition of CMPU. The NRU has a condenser on its exhaust that meets the HON definition of a distillation unit. This distillation unit has a vent stream (EU 10 RSY224) that is controlled by a flare (EPN 10FLR005) that has been identified as a HON control device. For this vent stream, the site has not submitted the required implementation plan pursuant to § 63.151(e) and § 63.152(a)(2), a notification of compliance status pursuant to § 63.152(b), nor a periodic report pursuant to § 63.152(c). Facility staff indicated that they had already identified the vent stream for inclusion in the next semiannual report generated pursuant to § 63.152(c).				
2	40 C.F.R. § 63.6(e)(3)(i)	Owners and operators must develop and implement a written startup, shutdown, and malfunction plan.	The SSM plan is missing the heat exchange system, maintenance wastewater, process vents (ADN portion is incomplete), tanks, transfer operations, and monitoring equipment. In addition, the existing plan does not clearly describe the procedures for operating and maintaining the source during periods of SSM, a program for corrective action for the malfunctioning process, and monitoring equipment used to comply with the relevant standard.	New SSM Plans were developed by 2/24/05. By 3/1/05, 130 of 134 Operators had received training. The remaining Operators were trained on 3/1 & 3/4/05 upon their return to work. Any employee who had not received training did not return to work in this area until such training was complete.	10/27/04	12/26/04; The facility requested an extension until 3/1/05 by letter dated 12/15/04.	3/1/05	A,F

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			EXCEPTIONS					
2.1	40 C.F.R. §§ 63.107(a), and 63.133 thru 63.118	Owners or operators must use the criteria specified in Section 63.107 to determine whether there are any process vents associated with an air oxidation reactor, distillation unit, or reactor that is a source subject to 40 C.F.R. Part 63, Subpart F.	During the preparation of the SSM plans, 7 process vents in the ADN Unit and 3 process vents in the C-12 Unit were newly identified. These process vents were not included in the NOCS and were not being managed as subject to the HON.	The newly developed ADN Unit SSM Plan was revised to address the 7 newly discovered vents on 4/1/05, with the majority of ADN Operators having reviewed the Plan on or before 4/5/05. Any Operators who were not at work to review the revised ADN Unit SSM Plan prior to 4/5/05 did so when they first returned to work. As of 4/20/05, the 3 vents in the C-12 process were modified so that they no longer constitute process vents.	1/5/05	3/6/2005; By letter dated 2/25/05, the facility requested an extension until 4/5/05 to incorporate the 7 ADN vents into the SSMP and until 5/5/05 to make physical changes to the 3 C-12 vents during a scheduled unit shutdown.	4/5/05 (ADN Vents); 4/20/05 (C-12 Vents)	A,F
3	40 C.F.R. §§ 63.6(e)(3)(iii), 63.103(c)(2) and 63.10(d)(5)(i)	Owner or operator must maintain records to document that each event follows the SSM plan.	Since 2002, the semi-annual deviation reports have not included each SSM event that occurred in the ADN area. For example, in the 5/14/2004 semi-annual report, Invista certified they were taking actions consistent with the SSM plan in place for tanks and transfer operations when it appears that the current plan did not address these sources. In addition, Invista reported that there were no SSM events in ADN and we found records that there were events but were not reported.	New SSM Plans were developed by 2/24/05. By 3/1/05, 130 of 134 Operators had received training. The remaining Operators were trained on 3/1 & 3/4/05 upon their return to work. Any employee who had not received training did not return to work in this area until such training was complete.	10/27/04	12/26/04; The facility requested an extension until 3/1/05 by letter dated 12/15/04.	3/1/05	B,F

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				EXCEPTIONS				
4	40 C.F.R. § 63.6(e)(3)(viii)	Revise the SSM plan as necessary and report in semi-annual deviation report.	SSM rules changed in 2002. SSM plan has not been revised since 1997. When revised, it must be included in the next semi-annual report.	New SSM Plans were developed by 2/24/05. By 3/1/05, 130 of 134 Operators had received training. The remaining Operators were trained on 3/1 & 3/4/05 upon their return to work. Any employee who had not received training did not return to work in this area until such training was complete.	10/27/04	12/26/04; The facility requested an extension until 3/1/05 by letter dated 12/15/04.	3/1/05	D,F
5	40 C.F.R. § 63.105 (b)(1)-(3)	Maintenance wastewater requirements. The facility must describe maintenance procedures for management of wastewater as part of the SSM Plan.	The required description of maintenance procedures for management of wastewater does not exist in the facility's SSM Plan.	New SSM Plans were developed by 2/24/05. By 3/1/05, 130 of 134 Operators had received training. The remaining Operators were trained on 3/1 & 3/4/05 upon their return to work. Any employee who had not received training did not return to work in this area until such training was complete.	10/27/04	12/26/04; The facility requested an extension until 3/1/05 by letter dated 12/15/04.	3/1/05	A,F
6	40 C.F.R. § 63.103(e)	The facility must document that a CMPU does not emit a HAP and thus is not subject to 63.100(b)(2).	If a CMPU drops out of applicability because it does not emit a HAP (63.100(b)(2)), documentation must exist. This documentation does not exist for the Adipic Acid Unit.	The facility documented the nonapplicability of the HON for Adipic Acid Unit.	10/28/04	12/27/2004	12/21/04	D,F

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			EXCEPTIONS					
7	40 C.F.R. § 63.152(c)	The facility must submit periodic reports under the HON.	There was an error on the 5/14/04 periodic report under the HON. Flare EPN No. 07FLR004 was represented but not included on the Notification of Compliance Status (NOCS). Flare EPN No. 07FLR004 should have been identified as Flare EPN No. 07FLR005, which was identified in the NOCS.	The facility submitted to TCEQ a letter correcting the report with the proper flare EPN No.	10/28/04	12/27/2004	12/23/04	C
8	40 C.F.R. § 63.147(d)(1)	For flares, records of the times and duration of all periods during which the pilot flame is absent shall be recorded.	The operator signed the flare log indicating that the pilot was present the entire day on 6/29/04 (flare 04FLR032). Electronic records indicate the pilot was out. In the process of dealing with the plant upset, the written flare log was not corrected. Plant flare log should be revised to meet the requirement of 63.147(d)(1).	The facility confirmed that flare logs meet HON requirements and conducted training on completion of such logs.	12/1/04	1/30/2005	1/19/05	C

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			EXCEPTIONS					
9	40 C.F.R. § 63.100(e)(3) 63.160(a)	The HON LDAR program applies to equipment components (e.g. pumps, compressors, pressure relief devices, valves, connectors, etc.) that are intended to operate in organic HAP service 300 hours or more during the calendar year within a CMPU subject to the HON.	The caustic digesters downstream of the wiped film evaporator (WFE) produce an overhead stream that is condensed into a "benzene receiver" from which a water stream is sent on for further treatment, and a benzene-rich stream is sent to storage and ultimately sold. Some of the components are tagged for the benzene NESHAPS Subpart J LDAR program, indicating the presence of more than 10 wt. % benzene. Since benzene is a HAP, these components appear to be in greater than 5 wt. % HAP service and therefore subject to the HON LDAR program; however, these components have not been tagged as part of the HON LDAR program by the site. If these components were made part of the HON LDAR program, HON provisions provide that compliance with the HON also provides for compliance with applicable provisions of 40 C.F.R. § 61 including Subpart J. Therefore, including these components in the HON LDAR program could eliminate the reporting burden pursuant to the Subpart J LDAR program.	The facility retagged and monitored the components and updated the LDAR database.	11/2/04	1/1/2005	12/28/04	A,F,D

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EXCEPTION								
1	30 T.A.C § 101.201(a)(1)	Report emissions events that exceed the Reportable Quantity threshold no later than 24 hours after the discovery.	The plant experienced an emissions event due to a power loss on 6/29/04. The event was not initially reported to STEERS until 7/3/04, exceeding the 24 hour requirement.	The facility updated its 301 Module to address reporting using STEERS and provided Emergency Directors refresher training.	10/25/04	12/24/2004	12/20/04	C

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			EXCEPTIONS					
1	40 C.F.R. Part 60, Subpart Kb; 40 C.F.R. §§ 60.113b, 60.115b and 60.116b	Each owner or operator of a storage vessel with a capacity greater than 40,000 gallons that is used to store a volatile organic liquid for which construction commenced after July 23, 1984 is subject to the control, inspection, notification, recordkeeping, and reporting requirements of NSPS Subpart Kb.	The "A" Waste Tank (18TFL027) in the C-12 Unit has a capacity greater than 40,000 gallons and was constructed after July 23, 1984 thus making it subject to NSPS Subpart Kb. Although the tank is equipped with an internal floating roof, the facility had not considered the tank to be subject to NSPS Subpart Kb.	The facility performed the inspections, notifications, recordkeeping, and reporting as required under NSPS Subpart Kb. The tank was taken off line on 5/17/05. On 5/20/05 notice was provided to TCEQ and EPA Region 6 of the facility's plans to empty the tank and refill it on or after 6/20/05. The facility emptied and re-filled the tank, and then had it inspected. Within 15 days after the tank was refilled, the facility provided a report to TCEQ and EPA Region 6 that describes the tank's control equipment and certifies that the control equipment meets the specifications of NSPS Kb.	3/21/2005	5/20/05 By letter dated 5/12/05, extension requested until 7/31/05.	7/29/05	B,D,F
2	40 C.F.R. Part 60, Subpart KKK; 40 C.F.R. §§ 60.632, 60.635 and 60.636	Each owner or operator of an onshore natural gas processing plant is subject to a Leak Detection and Repair program.	The ADN Unit Natural Gas Purification (NGP) plant cryogenically separates higher hydrocarbons from the incoming natural gas, producing a pure methane product for use in the HCN Unit. The facility had not considered this unit to be subject to NSPS Subpart KKK.	The facility tagged and monitored components and populated its fugitive monitoring database. The facility also submitted the semiannual report to TCEQ and EPA Region 6 on 5/27/05.	3/31/05	5/30/05	5/27/05	A,F,D

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			EXCEPTIONS					
3	30 T.A.C. §§ 335.503(a)(1), 335.504	Hazardous waste regulations require generators to evaluate their wastes using testing and/or process knowledge and to properly manage any wastes that are hazardous wastes due to characteristics and/or regulatory listings.	The facility has not adequately evaluated that all wastes discharged as wastewater to the wood-lined wastewater conveyance systems are non-hazardous.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	3/14/05	5/13/05 Extension request sought until 11/30/05 to develop corrective measures.	9/30/05	E
4	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	Materials resulting from cooling water system leaks have been discharged to the wood-lined wastewater conveyance system.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	3/14/05	5/13/05 Extension request sought until 11/30/05 to develop corrective measures.	9/30/05	E

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			EXCEPTIONS					
5	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	The facility has not identified the source of the wastewater flow for certain individual discharge points into the wood-lined wastewater conveyance system from facility operations.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	3/14/05	5/13/05 Extension request sought until 11/30/05 to develop corrective measures.	9/30/05	E
6	TCEQ Air Permit No. 7186, Special Condition No. 1	The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates."	The Permit 7186 Maximum Allowable Emission Rate Table does not specify maximum allowable SO2 emission rates for the following ADN flares despite the fact that operation of these flares results in SO2 emissions: 10FLR-001, 10FLR-002, 10FLR-003, 10FLR-004, and 10FLR-005.	On 8/12/05, the facility submitted a permit by rule registration to TCEQ for authorization of the SO2 emissions from the ADN flares and deemed this finding to be closed at that time. Subsequently, the facility received a letter from TCEQ dated 9/22/05 requesting that the SO2 emissions from the ADN flares be authorized under a permit amendment rather than a permit by rule. The facility will prepare and submit the requested permit amendment application to TCEQ by 8/31/06.	6/14/05	8/13/2005 Extension requested until permit issuance per letter dated 10/21/05.	Pending See Tab 18.A	A,F

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EXCEPTIONS								
7	30 T.A.C. § 116.116(b)(1)	A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant.	In the 1990 application for Permit No. 809, the prior owner of the facility represented the following: "Final Tail Gas NOx Concentration 40 ppmv (Post Abater)" and "Tail Gas NH3 Concentration (Post Abater) 30 ppmv." Post abater NOx and NH3 emissions have exceeded 40 and 30 ppmv, respectively.	On 7/9/05 the facility shut down the AOP Unit to replace the NOx abater catalyst. Following the re-start of the AOP Unit on 7/15/05, NOx and NH3 emissions have generally remained below 40 and 30 ppm, respectively, except for occasional spikes above these units. On 8/31/05, the facility discussed with TCEQ the possibility of revising these permit application representations as part of the pending Permit 809 renewal process. TCEQ suggested that the permit application representation be revised through a permit amendment. The facility prepared and submitted a permit amendment application to TCEQ on 12/30/05.	7/7/05	9/5/2005 Extension requested until permit issuance per letter dated 10/21/05.	12/30/05 See Tab 18.B	B,D,F

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			EXCEPTIONS					
8	TCEQ Air Permit No. 20011, General Condition No. 8	The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates."	Annual VOC emissions from the "A" Waste Tank (18TFL-027) as calculated in the 2004 Emissions Inventory exceed the maximum allowable emission rate in Permit No. 20011.	On 9/13/05, the facility requested an increase in the maximum allowable VOC emission rate for the "A" Waste Tank as part of the pending renewal of Permit No. 20011 by submitting revised calculations reflecting the proper throughput of the materials being stored. On 9/13/05, the facility also submitted a permit by rule registration to TCEQ for authorization of the increased emissions pending the issuance of the permit renewal and deemed the finding to be closed at that time. Subsequently, the facility received a letter from TCEQ dated 10/6/05 requesting that the emissions from the "A" Waste Tank be increased as part of a permit amendment rather than a permit by rule. The facility will prepare and submit the requested permit amendment application to TCEQ by 4/28/06.	7/15/05	9/13/2005 Extension requested until permit issuance per letter dated 10/21/05.	Pending See Tab 18.A	A,F
9	30 T.A.C. § 116.110(a)	Any person who plans to construct any new facility or engage in the modification of an existing facility which may emit air contaminants into the air shall obtain a permit.	The East and West RPF Tanks (11TFX051 and 11TFX052) were deleted from TCEQ Air Permit No. 7186 and thus do not currently have permit authorization.	On 9/16/05, the facility submitted a permit by rule registration to TCEQ for authorization of the East and West RPF Tanks. TCEQ approved the permit by rule registration by letter dated 10/12/05.	7/20/05	9/18/05	9/16/05	D,F

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Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
EXCEPTIONS								
10	40 C.F.R. Part 60, Subpart Kb; 40 C.F.R. §§ 60.113b, 60.115b and 60.116b	Each owner or operator of a storage vessel with a capacity greater than 40,000 gallons that is used to store a volatile organic liquid for which construction commenced after July 23, 1984 is subject to the control, inspection, notification, recordkeeping, and reporting requirements of NSPS Subpart Kb.	The Miscellaneous Purge Tank (10TFX053) has a capacity greater than 40,000 gallons and was constructed after July 23, 1984 thus making it subject to NSPS Subpart Kb. Although the tank is controlled by the ADN Operating Flare, the facility previously had not considered the tank to be subject to NSPS Subpart Kb.	The facility confirmed that the required records were being maintained and included the Miscellaneous Purge Tank in the Subpart Kb semiannual report, which was due on 7/30/05 and submitted on 7/29/05.	7/20/05	9/18/05	7/29/05	B,F

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			EXCEPTIONS					
11	40 C.F.R. §§ 60.7(a)(4) and 60.665(l)	Any owner or operator subject to 40 C.F.R. Part 60, Subpart NNN shall furnish the Administrator written notice of any physical or operational change to an existing facility which may result in an emissions increase. Additionally, each owner or operator that seeks to comply with the requirements of Subpart NNN by complying with § 60.662 shall submit semiannual reports to the Administrator.	The Step I BD Column (10DIS205) and Step II PN Flasher (10DIS244) were modified in 1994 and 1998, respectively, thus making them subject to NSPS Subpart NNN. Although both the Step I BD Column and Step II PN Flasher are controlled by the ADN Operating Flare, the notification required by § 60.7(a)(4) was not provided and neither the Step I BD Column nor the Step II PN Flasher have been addressed in the facility's Subpart NNN semiannual reports.	The modifications occurred prior to INVISTA's ownership. The Step I BD Column and Step II PN Flasher were included in Subpart NNN semiannual report due 7/30/05 and submitted on 7/28/05.	7/20/05	N/A	N/A	B,F
12	30 T.A.C. § 116.116(b)(1); TCEQ Air Permit No. 7186, Special Condition No. 1	A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant. The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates."	During 2004, the Butadiene Flare (10FLR-004B) pilot operated for more hours than represented in the application for Permit 7186 (8,030 hours in 2004 vs. 7,622 hours represented in permit application). Additionally, the Permit 7186 Maximum Allowable Emission Rate Table does not specify maximum allowable SO2 emission rates for the Butadiene Flare despite the fact that operation of the flare results in SO2 emissions.	On 8/12/05, the facility submitted a permit by rule registration to TCEQ to authorize operation of the Butadiene Flare pilot for up to 8,760 hours per year and for authorization of SO2 emissions from the flare. The facility deemed this finding to be closed at that time. Subsequently, the facility received a letter from TCEQ dated 9/22/05 requesting that the Butadiene Flare emissions be authorized under a permit amendment rather than a permit by rule. The facility will prepare and submit the requested permit amendment application to TCEQ by 8/31/06.	6/14/05	8/13/2005 Extension requested until permit issuance per letter dated 10/21/05.	Pending See Tab 18.A	A,F

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			EXCEPTIONS					
13	30 T.A.C. § 116.116(b)(1); TCEQ Air Permit No. 7186, Special Condition No. 1	A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant. The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates."	The application for Permit 7186 failed to account for NOx, CO and SO2 emissions from the Ammonia Tank Flare (10FLR-004A) pilot. Additionally, the Permit 7186 Maximum Allowable Emission Rate Table does not specify maximum allowable SO2 emission rates for the Ammonia Tank Flare despite the fact that operation of the flare results in SO2 emissions. As a result, in 2004, NOx, CO and SO2 emissions from the Ammonia Tank Flare exceeded the limits in Permit 7186.	On 8/12/05, the facility submitted a permit by rule registration to TCEQ to authorize NOx, CO and SO2 emissions from the Ammonia Tank Flare pilot and SO2 emissions from the Ammonia Tank Flare. The facility deemed this finding to be closed at that time. Subsequently, the facility received a letter from TCEQ dated 9/22/05 requesting that the Ammonia Tank Flare emissions be authorized under a permit amendment rather than under a permit by rule. The facility will prepare and submit the requested permit amendment application to TCEQ by 8/31/06.	7/6/05	9/4/2005 Extension requested until permit issuance per letter dated 10/21/05.	Pending See Tab 18.A	A,F

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			EXCEPTIONS					
14	30 T.A.C. § 116.116(b)(1); TCEQ Air Permit No. 7186, Special Condition No. 1	A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant. The emissions of air contaminants shall not exceed the rates stated on the table entitled "Emission Sources - Maximum Allowable Emission Rates."	Emission calculations related to the mole sieve regeneration process that were included in the prior owner's application for Permit No. 7186 did not accurately correspond to the operations. By way of example, the calculations for emissions from the ADN Operating Flare during the refilling of the mole sieve after regeneration is complete appear to assume a continuous operation, not a periodic activity. As a result, those calculated emissions underestimate the hourly rate of butadiene that was historically vented to the flare. In all likelihood, past refilling practices resulted in emissions in excess of 1.03 lbs/hr of butadiene as represented in the permit amendment application.	The facility is performing ASPEN modeling of the ADN Unit and will submit an application to amend Permit No. 7186 by 8/31/06, as discussed with TCEQ. Representations regarding the mole sieve bed regeneration emissions will be corrected in this permit amendment application. Thus, the facility will seek an extension request until such time as the permit is amended.	9/6/05	11/5/2005 Extension requested until permit issuance per letter dated 10/21/05.	Pending See Tab 18.A	B,F

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			EXCEPTIONS					
15	30 T.A.C. §§ 116.110(a), 116.116(b)(1)	Any person who plans to construct any new facility or engage in the modification of an existing facility which may emit air contaminants into the air shall obtain a permit. A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant.	As a result of the facility's ongoing review of its NSR permits, it has identified instances where information presented in permit applications by the prior owner (and thus authorized under the existing permits) does not accurately reflect facility operations. The facility's review of its NSR permits is ongoing and the facility may identify additional inconsistencies between the previously filed applications (and corresponding permits) and facility operations.	The facility is reviewing all of its NSR applications and permits. INVISTA met with TCEQ's Air Permits Division to discuss INVISTA's schedule to submit necessary permit amendments, two of which have been submitted and the last of which will be submitted by 10/31/06. Finally, to the extent that any noncompliance is associated with the permit application's failure to include routine startup and shutdown emissions, the facility has begun to and will continue to report startup and shutdown activities that are not covered by the permits as previously thought. Thus, the facility will seek an extension until such time as the NSR permits are amended based upon the schedule to be agreed with TCEQ.	9/19/05	11/18/2005 Extension requested until permit issuance per letter dated 10/21/05.	Pending See Tab 18.A	B,D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
1	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160 and 116.162	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, during the 1993 to 1995 timeframe the facility made physical modifications to the ADN and Nitric Acid units and to the associated APH and DPH boilers. These changes resulted in increases of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/2005	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
2	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160, 116.111(a)(2)(C), and 116.162	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, during the 1998 to 1999 timeframe, the facility made physical modifications to the Cogeneration Unit Gas Turbines by replacing or modifying the first, second and third stage buckets. These changes resulted in an increase of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/2005	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
3	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160 and 116.162	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, during the 1996 to 2000 timeframe, the facility constructed a new Biotreatment plant and made physical modifications to the HMD, C12, ADN and Adipic Acid units and changed the method of operation of the associated Adipic and Diamine boilers. These changes resulted in increases of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/2005	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F
4	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160 and 116.162	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, during the 1998 to 2000 timeframe, the facility made physical modifications to the C12 unit. These changes resulted in increases of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/2005	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
5	40 C.F.R. §§ 52.21(a)(2)(iii), (j)(3), (k) and (m); 30 TAC Sections 116.160 and 116.162	Each proposed new major source or major modification is required to comply with the Prevention of Significant Deterioration (PSD) of Air Quality regulations. These regulations may require modeling, permitting and/or installation of best available control technology ("BACT").	Prior to INVISTA's acquisition, during the 1996 to 2001 timeframe, the facility made physical modifications to the HMD unit. These changes resulted in increases of emissions above PSD significance thresholds. A federal PSD permit was not obtained for this project.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	2/15/2005	Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

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INVISTA VICTORIA FACILITY

Item	Citation	Brief Description of Requirement	Finding	Corrective Action	Date of Finding	60- Day Deadline	Date Corrected	Frequency/ Duration
1	40 C.F.R. § 370.20	EPCRA Section 312, also known as Tier II, requires covered facilities to submit annual inventories to state and local authorities of specified hazardous substances that are present on-site above reportable quantities (hereinafter "Tier II Requirements").	Most oils in transformers were not reported on the Tier II report submitted in February 2004 for RY 2003.	This was corrected in the July 2004 submission for INVISTA.	8/24/04	10/23/04	Previously corrected	D,F
2	40 C.F.R. § 370.41	Tier II Requirements	The hazards identified in the Tier II reports were inconsistent with the hazards identified on MSDSs for 20% of the chemicals checked.	The facility will ensure consistency and document the reasons for any differences between the MSDSs and the Tier II Reports.	8/24/04	10/23/04	10/22/04	D,F

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Item	Citation	Brief Description of Requirement	Finding	Corrective Action	Date of Finding	60- Day Deadline	Date Corrected	Frequency/ Duration
3	Tex. Health & Safety Code Chapter 370; 40 C.F.R. § 372.30	EPCRA Section 313 requires facilities that have on-site in a calendar year amounts of materials above specified threshold quantities of listed hazardous substances to report annually on Form R the amounts of such chemicals that are released to air, water, land, underground injection, off-site disposal, and/or that are otherwise managed by methods specified in regulations (hereinafter "TRI/Form R Requirements").	The following deficiencies and/or discrepancies were noted regarding the facility's annual threshold determinations: (1) A Form R for sulfuric acid (aerosol) was unnecessarily submitted. (2) A Form R for the following chemicals may have been submitted unnecessarily: chromium compounds, zinc compounds, lead compounds, and mercury compounds. (3) Threshold determinations were not performed to identify any additional chemicals that require reporting.	On October 22, 2004, the facility submitted revised Form R data to DuPont for resubmission as DuPont filed the previous report.	8/24/04	10/23/04	10/22/04	D,F

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Item	Citation	Brief Description of Requirement	Finding	Corrective Action	Date of Finding	60- Day Deadline	Date Corrected	Frequency/ Duration
4	Tex. Health & Safety Code § 370.003; 40 C.F.R. § 372.30(a)	TRI/Form R Requirements	Numerous deficiencies were noted regarding the facility's data reported in Part II of the Form R for 2003, including: Incorrect uses for at least 18 compounds; inaccurate codes for at least nine compounds; inaccurate calculations for approximately 25 compounds; two compounds combusted in boilers was not reported and combusted for energy recovery not reported; backup documentation for certain activities, including control activities, was not provided; releases from remediation efforts may not have been included; production ratios not calculated on current year activities over prior year activities for all chemicals; actual ratio; discharges of at least 16 compounds calculated inaccurately; reporting related to treatment control regarding lat least six compounds was inaccurate.	On October 22, 2004, revised Form R data was submitted to DuPont for resubmission as DuPont previously filed this report.	8/24/04	10/22/04	10/22/04	D,F

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INVISTA SABINE RIVER WORKS FACILITY

Item	Citation	Brief Description of Requirement	Finding	Corrective Action	Date of Finding	60-Day Deadline	Date Corrected	Frequency/ Duration
1	40 C.F.R. § 372.30	TRI/Form R Requirements	Approximately 27 deficiencies and/or discrepancies were noted regarding the facility's annual Form R reporting, including: • Failure to submit a Form R for chromium, and anadium compounds for which the quantity exceeded the applicable threshold level; • Incomplete reporting of activities and uses of copper compounds, aerosols, nickel compounds, nitrate compounds, phenol; • For at least six compounds, improper calculations of emissions and improper characterization of certain waste and recycle streams; • Failure to include at least eight chemicals in certain waste streams and failure to include UIC permit numbers; • Improper inclusion of benzene, cyclohexane, phenol, cresols and ammonia streams as wastes sent for recycling; • Miscalculations and inaccurate reporting of onsite quantities and releases and off-site transfers for at least five chemicals;	The Form R report for the facility for RY 2003 was submitted by DuPont. The facility provided to DuPont on 10/4/04 a report identifying the required revisions to the Form R.	8/5/04	10/4/04	10/4/04	D,F

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Item	Citation	Brief Description of Requirement	Finding	Corrective Action	Date of Finding	60-Day Deadline	Date Corrected	Frequency/ Duration
			• The facility did not include treatment train or inaccurately identified treatment sequence for the same chemicals; • Underground injection releases for at least 12 compounds may have been misreported; and • Materials sent to adjacent inner incinerator may have been miscalculated.					
2	40 C.F.R. § 370.21(c)(2)	Tier II Requirements	The facility brings in new materials, some of which are present at the facility in quantities exceeding the 10,000-pound threshold. While notification of these new materials is conducted on an annual basis (most recent notification was made July 30, 2004), notification, in some cases, doesn't occur within the required 90 days.	The facility submitted a revision to its initial Tier II report to the SERC, the LEPC and the local fire department on 10/4/04.	8/5/04	10/4/04	10/4/04	D,F
3	40 C.F.R. § 370.25(a) and (b); Texas Tier II Reporting Forms and Instructions, page 19	Tier II Requirements	The Tier II form submitted by the facility contained several deficiencies and discrepancies: • The facility does not account for "small" quantities of materials; • The facility did not include aerosol in its input; • Failure to include chemicals that exceeded the applicable threshold quantity, and two non-hazardous wastes that exceeded the applicable threshold quantities; • Improper name used for	The facility submitted a revision to the initial Tier II report to the SERC, the LEPC and the local fire department on 10/4/04.	8/11/04	10/10/04	10/4/04	D,F

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Item	Citation	Brief Description of Requirement	Finding	Corrective Action	Date of Finding	60-Day Deadline	Date Corrected	Frequency/ Duration
			adiponitrile chemical; • Failure to indicate that an EHS is present in two materials; • Failure to include one or more hazardous categories for four chemicals; • Improper reporting of a nitric acid chemical as pure instead of as a mixture; and • Possible misreporting of maximum and average onsite quantities for at least four chemicals.					
4	40 C.F.R. § 370.25	Tier II Requirements	Certain Tier II report entries were not supported by the process area documentation, and the facility did not include one chemical in its Tier II report that may exceed the reporting threshold.	The facility submitted a revision to its initial Tier II report that addressed these observations to the SERC, LEPC and local fire department on 10/4/04.	8/11/04	10/10/04	10/04/04	D,F

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INVISTA LA PORTE FACILITY

Item	Citation	Brief Description of Requirement	Finding	Corrective Action	Date of Finding	60-Day Deadline	Date Corrected	Frequency/ Duration
1	40 C.F.R. § 370.41	Tier II Requirements	Hazards as identified on the Tier II reports were inconsistent with hazards as identified on MSDSs for 30% of the chemicals checked, including: • Cupric carbonate • Dewatered copper catalyst • Diatomaceous earth • Ethylene glycol • LRD35 – THF mixture • Nafion NR 50 • Nitrogen • Recycle THF • Rice hull ash • Sodium hydroxide • Sodium hypochlorite • Terathane • Ucon Oil 50 HB 660	The facility rectified some of these omissions in their July 2004 Tier II submission for INVISTA operations or documented why they did not. The remaining were rectified in its October 26, 2004 submission.	8/25	10/24	Previously corrected or 10/26	D,F
2	40 C.F.R. § 372.30	TRI/Form R Requirements	Numerous deficiencies regarding at least 13 chemicals were noted regarding the facility's data reported, including: • Inaccurate identification of uses, not including certain chemicals from certain activities or not including certain activities; • Basing emissions on erroneous measures; • Failure to submit a Form	The facility submitted revised Form R data to DuPont on 10/29 so that DuPont can revise its submission to TCEQ.	8/31	10/29	10/29	D,F

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Item	Citation	Brief Description of Requirement	Finding	Corrective Action	Date of Finding	60-Day Deadline	Date Corrected	Frequency/ Duration
			R for ammonia • Failing to report treatment or inaccurately reporting treatment controls					

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INVISTA SEAFORD FACILITY

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
1	EPCRA Section 312	Tier II Requirements	The facility has not included Coal Ash, Nylon 6,6 flake, HCFC-22, and HCFC-123 on its Tier II report.	The facility submitted a revised Tier II report.	9/30/04	11/29/04	11/29/04	D,F
2	EPCRA Section 313	TRI/Form R Requirements	The facility's Form R for 2003 had numerous deficiencies related to over-and under-reporting certain constituents such as antimony, chromium, lead compounds, etc., and other problems, including: • Inconsistent mailing address and did not use all available inventory data • May not have accounted for ammonia manufactured in vapor phase • Antimony and chromium was underreported • HCL (aerosol) and sulfuric acid (aerosol) over-reported • Coal pile fugitives and vehicle emissions not accounted for • Sulfuric acid from combustion of No. 2 fuel oil not accounted for • Nitrate compounds releases underestimated • Two control devices for lead and mercury compounds and dioxins not listed • Sodium nitrate treated on-site over-reported Previous year data for dioxins and mercury compounds reported incorrectly [withdrawn 11/14/04]	The facility submitted revised Form R reports.	10/1/04	11/30/04	11/29/04	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
3	EPCRA Section 312	Tier II Requirements	Additional deficiencies to the previously filed Tier II Report were identified: • Lubricating, transformer and used oils not included • Material and hazard information for approximately 30 hazardous substances was incorrectly reported • Minor administrative information was incorrect • Gasoline storage was incorrect • Fuel oil No.2 quantities at three pump stations were not listed, and certain Fuel Oil No.2 quantities were under-estimated • Forklift and walkie battery locations were not listed • Facility over-reported the number of potassium hydroxide tanks • Maximum and average quantities of four hazardous substances were incorrectly reported	The facility submitted a revised Tier II report.	11/14/04	01/13/05	11/29/04	D,F
4	EPCRA Section 313	TRI/Form R Requirements	Additional deficiencies to the previously filed TRI/Form R were identified: • Facility did not report correct uses and activities for dioxin and nitrate compounds • Incorrect discharge information for antimony and chromium compounds • Over-reported hydrofluoric acid • Waste treatment methods and efficiency not reported for five sets of compounds in five different operational areas • Fugitive air emissions for nine chemical groups should have been	The facility submitted a revised Tier II report.	11/14/04	1/13/05	11/29/04	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
			reported as zero instead of "N/A" • Stack emissions for seven chemicals and/or compound groups under-and over-reported • Incorrectly reported releases to streams or water bodies, landfill, surface impoundments, other disposal as "N/A" for eight or more chemicals and/or compound groups • Waste transfer information for four compound groups incorrect • Incorrect codes for certain chemicals • Maximum quantities of certain hazardous substances under-reported • Control devices for six substances not listed • Stack emissions for mercury underestimated					

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INVISTA WAYNESBORO FACILITY

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
1	EPCRA Section 312	Tier II Requirements	The facility had not included, LRD-1, LRD-59, Methacrol 2390XF, Calcium stearate, Transformer oil, Coal ash, HCFC-123, and HFC-134a on its Tier II report, deleted the entries for lead and sulfuric acid and incorrectly reported these as "lead batteries," and incorrectly reported the presence of LRD-22 as greater than 10,000 pounds present at any one time. [Note: LY-19, LY-16, LY-14 were included in this deficiency in the 1st quarterly report; subsequently, these substances were withdrawn from this finding by the auditor on 11/24/04, as these materials had previously been reported within the "silicone oils" entry on Tier II.]	The facility submitted a revised Tier II report.	9/30/04	11/29/04	11/29/04	D,F
2	EPCRA Section 312	Tier II Requirements	Material and hazard information incorrectly reported for Fuel oil #6, Fuel oil #2, Diesel fuel, Gasoline, Coal, Methalcrol 2390D, Methalcrol 2462B, Terathane, Titanium Dioxide, Potassium hydroxide, and Sodium hydroxide.	The facility submitted a revised Tier II report.	9/30/2004	11/29/2004	11/29/04	D,F
3	EPCRA Section 312	Tier II Requirements	The facility did not submit a Tier II report for propane for the WNI Fiber operations.	The facility submitted a revised Tier II report.	10/4/04	12/03/04	11/29/04	D,F
4	EPCRA Section 312	Tier II Requirements	The facility did not submit a Tier II report for heating oil or mercury compounds and has miscalculated other compounds quantities on-site or emissions for PACs, Benzo(g,h,i)penylene, lead compounds,	The facility submitted a revised Tier II report.	10/5/04	12/04/04	11/29/04	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
			dioxin, sulfuric acid, hydrochloric acid (aerosol) for its Baugher Farm operations.					
5	EPCRA Section 312	Tier II Requirements	Did not report all activities and uses for PACs, Benzo(g,h,i)perylene, and Lead Compounds for Baugher Farm operations.	The facility submitted a revised Tier II report.	10/01/04	11/30/04	11/29/04	D,F
6	EPCRA Section 312	Tier II Requirements	Additional waste treatment methods should be reported for Sodium Nitrite and Nitrate Compounds for Baugher Farm operations.	The facility submitted a revised Tier II report.	10/5/04	12/4/04	11/29/04	D,F
7	EPCRA Section 312	Tier II Requirements	Perchloroethylene and Betz IS 2015 were incorrectly reported as present above 10,000 pounds.	The facility submitted a revised Tier II report.	11/24/04	1/23/05	11/29/04	D,F
8	EPCRA Section 313	TRI/Form R Requirements	Additional deficiencies in previously filed TRI Form R identified: • Fugitive emissions for five substances incorrectly reported • Stack air emissions for two substances incorrectly reported • Discharges of three substances reported as "N/A" rather than zero • Underestimated quantity of hydrochloric acid treated	The facility submitted revised Form R reports.	11/24/04	1/23/05	11/29/04	D,F
9	40 C.F.R. Section 302.8	The facility emits NO and NO2 above reportable quantities and these emissions qualify for continuous release reporting under 40 C.F.R § 302.8.	NOx emissions exceed RQ; Facility air permit does not contain a NOx limit; not a federally permitted release and only NO (not NO2) was subject to a previously submitted continuous release report (CRR).	The facility submitted a verbal Continuous Release Report for NO2 emissions on 1/27/05 and submitted a written report updating the	12/29/04	2/27/05	1. 1/27/05 (verbal) 2. 2/16/05 (Written follow-up report)	1. D,F 2. D,F

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				previously filed continuous release report for NO to include NO2.				

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INVISTA CHATTANOOGA FACILITY

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Date Corrected	Frequency/ Duration
1	40 C.F.R. Section 312	Tier II Requirements	The facility has not included Univolt 60 transformer oil, HCFC-123, HCFC-134a, Nylon 66 salt, Nylon chips, sodium hypochlorite, Liquid 322 lubricating oil, coal ash, K4371, K5613,K6744, K9189, and K9490 present over threshold on its Tier II report.	The facility submitted a revised Tier II report.	10/14/04	12/13/04	12/13/04	D,F
2	EPCRA Section 312	Tier II Requirements	Hazard information incorrectly reported for coal, gasoline, tetrachloroethylene, and sodium hydroxide.	The facility submitted a revised Tier II report.	10/14/04	12/13/04	12/13/04	D,F
3	40 C.F.R. Section 313	TRI/Form R Requirements	The facility erroneously included some materials and over estimated certain emissions or underestimated releases for Biphenyl, Lead Compounds, Dioxin, hydrochloric acid and Phenol and reported efficiency of wastewater treatment units incorrectly.	The facility submitted revised Form R reports.	10/14/04	12/13/04	12/13/04	D,F
4	40 C.F.R. Section 313	TRI/Form R Requirements	Releases to land through spills and off-site shipment of waste for recycling not reported for Biphenyl.	The facility submitted revised Form R reports.	10/14/04	12/13/04	12/13/04	D,F
5	40 C.F.R. Section 313	TRI/Form R Requirements	Exceeded threshold for ammonia, but failed to submit Form R and reported for 1, 2, 4 trimethylbenzene and Tetrachloroethylene when thresholds not exceeded.	The facility submitted revised Form R reports.	10/14/04	12/13/04	12/13/04	D,F
6	40 C.F.R. Section 313	TRI/Form R Requirements	Off-site shipment of mercury, compounds and dioxin reported as waste and not byproduct and did not	The facility submitted revised Form R reports.	10/14/04	12/13/04	12/13/04	D,F

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			indicate mercury manufactured as byproduct.					
7	40 C.F.R. 302.8	The facility emits NO and NO2 above reportable quantities and these emissions qualify for continuous release reporting under 40 C.F.R § 302.8.	The facility had not filed a continuous release report initial notification for NOX (NO, NO2) and emissions of NOX in 2003 exceeded the RQ.	The facility submitted verbal and written continuous release reports.	11/05/04	1/04/05 for verbal 2/03/05 for written	12/16/04 (verbal) 1/07/05 (written)	D,F
8	40 C.F.R. 312	Tier II Requirements	Incorrect reporting of Dowtherm as both "mixture" and "pure" chemical.	The facility submitted a revised Tier II report.	12/08/04	2/02/05	12/13/04	D,F

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INVISTA CAMDEN FACILITY

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
1	40 C.F.R. Section 312	Tier II Requirements	The facility has not included Sulfuric acid, SUVA 134a, Lithium bromide, hydraulic oil, lube/ motor oil, power transmission oil, used oil, Nylon BCF yarn, 6-6 Nylon chips on its RY 2003 Tier II report. In RY 2003 they were present above the reporting threshold.	The facility submitted a revised Tier II report.	10/14/04	12/13/04	12/13/04	D,F
2	40 C.F.R. Section 312	Tier II Requirements	The facility did not appropriately calculate and report the average daily onsite quantity of most chemicals reported.	The facility submitted a revised Tier II report.	10/14/04	12/13/04	12/13/04	D,F
3	40 C.F.R. Section 312	Tier II Requirements	A storage location was omitted from the Tier II report for Nylon 66 salt, phosphoric acid and sodium hydroxide.	The facility submitted a revised Tier II report.	10/14/04	12/13/04	12/13/04	D,F
4	40 C.F.R. Section 312	Tier II Requirements	The health hazards reported on the Tier II are not consistent with the supporting MSDS documentation for Nylon 66 salt, phosphoric acid and sodium hydroxide.	The facility submitted a revised Tier II report.	10/14/04	12/13/04	12/13/04	D,F
5	40 C.F.R. Section 313	TRI/Form R Requirements	Reporting of chemicals present in ash sent to cement plant should be deleted.	The facility submitted revised Form R reports.	10/14/04	12/13/04	12/13/04	D,F
6	40 C.F.R. Section 313	TRI/Form R Requirements	Activity threshold exceeded for manganese and Form R report not submitted.	The facility submitted revised Form R reports.	10/21/04	12/20/04	12/13/04	D,F
7	40 C.F.R. Section 313	TRI/Form R Requirements	Reporting of the following chemicals was inaccurate because not all activity uses properly identified, subsequent emissions from on-site vehicles not taken into account, releases or emissions are	The facility submitted revised Form R reports.	10/21/04	12/20/04	12/13/04	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
			possible, emission releases were miscalculated, or were not considered for ammonia, benzo(g,h,i)perylene, biphenyl, lead compounds, chlorine, dioxin and dioxin-like compounds, mercury compounds, nitrate compounds, PACs, sodium nitrite Benzo(g,h,i)perylene, biphenyl, chlorine, dioxin and dioxin-like compounds, PACs, Hydrochloric acid (aerosol), sulfuric acid, lead compounds, sulfuric acid and possibly for other compounds.					
8	40 C.F.R. Section 313	TRI/Form R Requirements	The RCRA ID number for the off-site location of biphenyl is improperly identified.	The facility submitted revised Form R reports.	10/21/04	12/20/04	12/13/04	D,F
9	40 C.F.R. Section 313	TRI/Form R Requirements	One or more entries in Section 7A was not appropriate based on available data or a treatment sequence for a waste stream (*i.e.*, wastewater treatment for mercury compounds, flue gas for others) containing the chemicals was omitted.	The facility submitted revised Form R reports.	10/21/04	12/20/04	12/13/04	D,F
10	40 C.F.R. Section 313	TRI/Form R Requirements	Reporting numerical value for lead compounds and ammonia not appropriate, because treatment is not possible.	The facility submitted revised Form R reports.	10/21/04	12/20/04	12/13/04	D,F
11	40 C.F.R. Section 313	TRI/Form R Requirements	Reporting was inadvertently omitted for Part II, Section 8.10 for ammonia benzo(g,h,i)perylene, chlorine, dioxin, and dioxin-like compounds, hydrochloric acid, lead compounds, mercury compounds,	The facility submitted revised Form R reports.	10/21/04	12/20/04	12/13/04	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
			nitrate compounds, PACs, sodium nitrate and sulfuric acid.					
12	40 C.F.R. Section 312	Tier II Requirements	Additional discrepancies in previously filed Tier II report: • Failed to include coal ash • Quantities and/or onsite maximum container size for five substances erroneously calculated • Discrepancy between reported and MSDS hazards for one hazardous substances .	The facility submitted a revised Tier II report.	11/4/04	1/03/05	12/13/04	D,F
13	40 C.F.R. Section 313	TRI/Form R Requirements	• Entries for two hazardous substances not appropriate based on available data for water, air treatment • Omitted a waste treatment sequence for two sets of compounds • Overestimated treatment quantity of chlorine	The facility submitted revised Form R reports.	11/04/04	1/03/05	12/13/04	D,F
14	40 C.F.R. Section 302.8	Continuous Release Report	A previously filed continuous release report for NOx was subject to permit limits for only a portion of the year (ozone season) and emissions at other times of the year exceeded the RQ.	The facility updated the previously submitted continuous release report for NOx with current NOx emission information.	12/19/04	2/18/05	1/27/05 (verbal) 2/16/05 (written follow up)	D,F

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INVISTA ATHENS, GEORGIA FACILITY

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
1	EPCRA Sections 311, 312	Tier II Requirements	Fuel Oil No. 2 and sulfuric acid were present on-site above reporting threshold, but no Section 311 notification had been made and no Tier II report had been filed.	The facility submitted a Section 311 notification and a Tier II report	11/26/04	1/25/05	12/13/04	D,F

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FORMER INVISTA KINSTON FACILITY (SOLD ON 9/30/04)

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date of Finding	60-Day Deadline	Dated Corrected	Frequency/ Duration
1	EPCRA Section 312	Tier II Requirements	The facility failed to report or incorrectly reported certain information for 24 hazardous substances in its RY 2003 Tier II Report.	The facility completed and submitted a corrected Tier II Report.	11/15/04	1/14/05	12/15/04	D,F
2	EPCRA Section 313	TRI/Form R Requirements	The facility failed to report correct distribution data, uses and activities, quantities, waste treatment methods and efficiencies for certain hazardous substances, and over- and under-reported certain substances' fugitive and stack air emissions as well as discharge, on-site and amount of materials treated quantities for certain substances.	The facility completed and submitted corrected TRI/Form R Reports.	11/14/04	1/13/05	12/15/04	D,F

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Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-Day Deadline	Date Closed	Frequency/ Duration
1	40 C.F.R. § 122.26, 15A NCAC 02H.0100	Discharges of storm water associated with industrial activity must be covered by either an individual NPDES permit or a promulgated general storm water permit.	The NPDES permit needs modification to address storm water discharges.*	An application for an NPDES permit modification to address storm water discharges and other matters was completed and filed with NCDENR on 9/29/04.	7/9/04	9/7/04 extension granted until 10/15/04	9/29/04	B,F
2	15A NCAC 2C.0200	A permit is required before constructing, operating or using a well for injection.	The facility needs a Class V well permit for the French drains used to discharge condensate from the steam lines.*	INVISTA completed facility modifications that re-routed steam condensate lines and eliminated the subsurface discharges, in lieu of seeking a permit.	7/20/04	9/18/04 extension granted until 10/31/04	10/21/04	B,F
3	40 C.F.R. § 262.34, 15A NCAC 13A.0107	A generator of hazardous waste may accumulate hazardous waste on-site for no more than 90 days in containers that are labeled as hazardous waste and dated. If accumulated longer than 90 days, the generator will be subject to the requirements for a Treatment, Storage, and Disposal facility under 40 C.F.R. Parts 264 and 270.	The Facility's hazardous waste handling practice regarding labeling and dating of drums of waste results in drums in both the accumulation areas and the storage area as being improperly labeled. In the facility's 90-day hazardous waste accumulation area, there were 2 drums dated longer than 90 days ago, 1 unlabeled drum with material in it, and 2 drums that were not dated.	The drums dated over 90 days and the drums without dates were non-hazardous, but the labels were partially removed. The unlabelled drum contained hazardous waste and was subsequently labeled.	7/9/04	9/7/04	7/10/04	B,F
4	40 C.F.R. Part 112.5(b)-(c),	A Spill Prevention, Control and Countermeasures (SPCC) Plan must be reviewed and evaluated every 5 years, and updated, if necessary, within 6 months of the review. The revised plan must be certified by a professional engineer.	The facility's SPCC Plan has not been updated and certified by a professional engineer within the required 3-year period and is missing certain required elements.*	The SPCC Plan has been updated and revised to include the required elements and was certified by a professional engineer on 9/29/04.	7/9/04	9/7/04 extension granted until 10/15/04	9/29/04	A,D,F
5	40 C.F.R. Part 112.20(a),	A Facility Response Plan (FRAP) must be submitted to the Regional Administrator if the facility is a "non-transportation onshore facility, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or	The review of the SPCC compliance status as part of the SPCC Plan update identified a FRAP that did not contain all required elements and may not have been filed with EPA or fully implemented in accordance with applicable requirements.	A draft Facility Response Plan was prepared filed with EPA on 10/15/04.	8/6/04	10/5/04 extension granted until 10/15/04	10/15/04	A,D,F

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Item	**Regulatory Citation**	**Brief Description of Requirement**	**Deficiency**	**Corrective Action**	**Date Discovered**	**60-Day Deadline**	**Date Closed**	**Frequency/ Duration**
		adjoining shoreline."						

* The matters disclosed herein that are noted with an asterisk (the lack of a permit for storm water discharges; the lack of a Class V well permit, the non-compliant SPCC Plan and potential secondary containment issues) were identified by INVISTA as potential compliance issues during its own due diligence conducted prior to its acquisition of the Kinston facility from DuPont. INVISTA discovered on June 25, 2004 that these violations had not been remedied. As a result of these findings, INVISTA decided to conduct a third party compliance audit described herein prior to its sale of the facility (which occurred on September 30, 2004).

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Item	**Regulatory Citation**	**Brief Description of Requirement**	**Deficiency**	**Corrective Action**	**Date Discovered**	**60-Day Deadline**	**Date Closed**	**Frequency/ Duration**
6	40 C.F.R. § 112.7(c)	Covered facilities are required to have secondary containment for all oil storage areas and areas of operation at which an oil discharge subject to the Clean Water Act could potentially occur.	The following areas at the facility do not have adequate secondary containment and/or diversionary structures or equipment:*	INVISTA has retained a contractor for construction of secondary containment and/or diversionary structures in these areas, and in certain cases, to assist to verify the adequacy of secondary containment and/or procedures, and to address development of procedures at locations in which secondary containment has been determined to be impracticable.	8/26/04	10/25/04 and 12/15/04 extensions requested to dates below		A,D,F
			a. Tank 23, 6,000-gallon fuel oil No. 2 reservoir to Yarn Side Furnace and associated refueling area			2/28/05	Tank completed 12/08/04, refueling area completed 12/30/04	
			b. Fuel oil No. 6 transfer station (Area 8)			1/31/05	1/28/05	
			c. Finishing oil transfer station (Area 23)			1/31/05	1/21/05	
			d. 550-gallon emergency fire pump diesel AST (#293) and associated refueling area			1/31/05	Tank completed 12/29/04, refueling area completed 12/30/04	
			e. 300-gallon diesel AST (A)			12/31/04	12/30/04	
			f. 250-gallon ash dozer refill diesel AST (B)			10/25/04 (no extension requested)	10/8/04	

* The non-compliant SPCC Plan and potential secondary containment issues at the Kinston facility were identified by INVISTA as potential compliance issues during its own due diligence conducted prior to its acquisition of the Kinston facility from DuPont. INVISTA discovered on June 25, 2004 that these violations had not been remedied. As a result of these findings, INVISTA decided to conduct a third party compliance audit described herein prior to its sale of the facility (which occurred on September 30, 2004). This compliance audit revealed further deficiencies in the SPCC Plan and the FRP Plan.

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			g. 6,000-gallon yarn side furnace diesel AST (#23)(erroneously identified as separate tank in First Quarterly Report. Tank stores No. 2 fuel oil and is the same tank as identified in item (a) above).			12/31/04	Same as first item above; tank completed 12/08/04	
			h. 4,000-gallon TPA1 Dowtherm condensate receiver			1/31/05	12/15/04	
			i. 5,000-gallon tank truck and 3,000-gallon tank truck near tank farm area (Area 35) for recycled finish oil			2/28/05	5,000 gallon tank completed 1/28/05; 3,000 gallon tank completed 1/28/05	
			j. 10,000-gallon cottonseed oil tank (Area 31) and 6,500-gallon waste finish oil separator (Area 27) in tank farm area			2/28/05 for 10,000-gallon tank 1/31/05 for 6,500-gallon tank	12/21/04 10,000-gallon tank completed ; 6,500-tank completed 1/28/05	
			k. Dowtherm areas: (1) 4,000-gallon TPA1 condensate receiver (same tank as identified in item (h) above; (2) 4,500-gallon Dowtherm FER storage tank (Area 36), and (3) eight 1,500 gallon Dowtherm vaporizers			2/15/05	(1) 12/15/04 (2) 12/8/04 (3) 12/15/04	

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			l. Drum storage areas: DYI Used Oil Storage (Area 21), TC Combined Shops Used Oil Storage (Area 28), Power House Used Oil Storage (Area 12), I-1 Used Oil Storage down from mister (Area 21), Truck Shop Used Oil Storage, Waste Dowtherm Drum Storage Area (Vaporizer Area 40).			12/15/04	Vaporizer Area 40 completed 10/20/04; all other areas completed 12/15/04	
			m. Dowtherm Unloading Area (Railcar station) (This item was identified in the revised SPCC Plan but was inadvertently not included in the 1st Quarterly Report to EPA.)				11/18/04	

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7	40 C.F.R. §§ 112.7(c), 112.8(b)(1)	Secondary containment for oil storage areas and areas of operation at which an oil discharge subject to the Clean Water Act could potentially occur must prevent escape of an oil discharge from secondary containment. 40 The containment system must restrain drainage to prevent an oil discharge into a drainage system or a facility effluent system, unless the facility effluent system is designed to control such a discharge.	The sump in the secondary containment area for Tank 300 (1,000,000-gallon fuel oil No. 6 AST) continuously pumps steam condensate into a surface drainage ditch, and would continue to pump condensate and potentially spilled oil in the event of a release from Tank 300.	The facility has re-routed the boiler condensate to a storage container or the wastewater system (Outfalls 001, 002 or 003).	8/26/04	10/25/04	10/8/04	A,F
8	40 C.F.R. §112.8(c)(8)	Covered facilities are required to install a device to indicate the level of liquid in bulk storage tanks.	The following bulk storage containers lack level indicating devices: • 400-gallon diesel emergency generator AST (Tank 290); • 250-gallon diesel ash dozer refill AST (Tank B); • two 550-gallon diesel ASTs (Tanks 285 and 286); • 550-gallon kerosene AST (Tank 284); • two 550-gallon gasoline ASTs (Tanks 282 and 283); • 250-gallon Tank A fuel oil supply for 3GT warehouse.	The facility has installed level indicating devices on these containers, except Tank B, which was decommissioned on 10/8/04.	8/26/04	10/25/04	10/21/04	D,F
9	29 C.F.R. § 1910.1001	Employers are prohibited from exposing employees to airborne concentrations of asbestos above certain limits.	Damaged friable asbestos containing materials (ACM) have been identified on the exterior and roof of the former R&D lab building.	Mastic has been applied to contain identified damaged friable ACM, and tape has been installed and signs have been posted to restrict access to this area.	7/9/04	9/7/04	8/2/04	A,F
10	Part I, 2.2 D. 1. i of Title V	Permittee must retain in site files "all emission factors used,	The pertinent records were not retained in facility files; rather, they	After further investigation, the pertinent records were located in	7/9/04	N/A	N/A	E

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	operating permit No. 09427T02 (15A NCAC 2D .0530)	documentation of their origin and/or derivation of the emission factors, and all calculations used to determine monthly VOC attributed to PET production at polymerization line Y7 and associated equipment."	were in the possession of the facility's consultant.	facility files.				

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EXCEPTIONS IDENTIFIED OUTSIDE OF AUDIT FOR KINSTON								
Item	**Regulatory Citation**	**Brief Description of Requirement**	**Deficiency**	**Corrective Action**	**Date Discovered**	**60-Day Deadline**	**Date Closed**	**Frequency/ Duration**
1	Part I, 2.1 F.4. b., d. and g. of Title V operating permit No. 09427T02 (15A NCAC 2D .0521)	Daily visual emissions observations of boilers 1, 2 and 3 and Dowtherm vaporizers 1–10 are required to be conducted and documented.	Observations were not recorded in the logbook for several dates for both the boilers and the Dowtherm vaporizers.	The facility reported to NCDENR in semiannual report. Facility procedures were modified to prevent recurrence.	6/22/04	8/21/04	6/28/04	B,F
2	Part I, 2.1 F.1. f. ii. and g. of Title V operating permit No. 09427T02 (15A NCAC 2D .0503)	Monthly external visual inspections of the system ductwork, multiclones and baghouses of boilers 1 and 2 are required to be conducted and documented.	The results of the required inspections were not recorded in the logbook for the month of May.	The facility reported to NCDENR in semiannual report. Facility procedures were modified to prevent recurrence.	6/22/04	8/21/04	6/28/04	C
3	Part I, 2.2 B. 1. b. and c. of Title V operating permit No. 09427T02 (15A NCAC 2D .0958)	The facility is required to have work practices for sources of volatile organic compounds, to.store all material containing volatile organic compounds in covered containers, to perform and record monthly visual inspections, and to document "when each process heater receives the organic vapor stream from TPA2WW."	The results of certain inspections were not recorded in the logbook.	Reported to NCDENR in semiannual report. Facility procedures were modified to prevent recurrence.	6/22/04	8/21/04	6/28/04	B,F

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EXCEPTIONS FOR KENTEC								
Item	**Regulatory Citation**	**Brief Description of Requirement**	**Deficiency**	**Corrective Action**	**Date Discovered**	**60-Day Deadline**	**Date Closed**	**Frequency/ Duration**
1	40 C.F.R. § 372.30	For each toxic chemical known by the owner or operator to be manufactured (included imported), processed, or otherwise used in excess of an applicable threshold quantity at its covered facility for a calendar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R on an annual basis in accordance with specified instructions. The TRI reports contain detailed information regarding releases, transfers, on-site treatment, etc. for those chemicals.	The facility did not submit a Form R for 1,4 dioxane.	The third party consultant retained to conduct EPCRA/TRI audits of the INVISTA facilities concluded that the SIC Code routinely used by Kentec Pack Cleaning (7389) was correct. Facilities within this SIC Code, including the Kentec facility, are not subject to EPCRA Form R requirements, so there was no violation of the EPCRA requirements.	7/9/04	N/A	N/A	E
2	40 C.F.R. § 122.26, 15A NCAC 02H.0100	Discharges of storm water associated with industrial activity must be covered by either an individual NPDES permit or a promulgated general storm water permit.	The facility does not have a storm water permit or a No Exposure Certification for storm water at the plant.**	Facilities within the SIC Code routinely used by Kentec Pack Cleaning (7389) are not required to obtain storm water permits or submit No Exposure Certifications. Nevertheless, the facility worked with the auditor that conducted the compliance audit to determine whether the facility could submit a No Exposure Certification for storm water, and reached the conclusion that such a certification would be appropriate, if the facility was within a covered SIC Code.	7/9/04	N/A	N/A	E
3	Permit No. WQ0011757, Wastewater Recycle System,	A permit is required for the operation of a wastewater recycle system. N.C.G.S. 143-215.1A, 143-215.1,	On June 4, 2004, the facility discovered that a permit existed for the leased wastewater recycle system tank (6,000 gallon water recycling tank), which had not been	The facility initially requested the contract operator of the facility to assume the permit obligations in light of its position as the facility operator. When it was not willing to	6/4/04	N/A	N/A	E

** The lack of a storm water permit at the facility was identified by INVISTA as a potential compliance issue during its own due diligence conducted prior to its acquisition of the Kinston and Kentec facilities from DuPont. INVISTA discovered on June 25, 2004 that these violations had not been remedied. In part as a result of this finding, INVISTA decided to conduct a third party compliance audit prior to its sale of the facility (which occurred on September 30, 2004).

INVISTA S.à r.l.
Voluntary Disclosures for Kinston and Kentec, North Carolina
Final Quarterly Report – January 31, 2006

EXCEPTIONS FOR KENTEC								
Item	**Regulatory Citation**	**Brief Description of Requirement**	**Deficiency**	**Corrective Action**	**Date Discovered**	**60-Day Deadline**	**Date Closed**	**Frequency/ Duration**
	N.C.G.S. 143-215.1, 143-215.1A, 15A NCAC 02H.0200	15A NCAC 02H.0200. In the event of an ownership change, a formal request for change in ownership must be submitted. Permit No. WQ0011757.	identified or transferred at the time of the transfer of the facility from DuPont to INVISTA. The recycling tank is owned and operated by MPT, Inc., a contract operator. The Kentec facility also is operated by a contract operator, Mundy, Inc.	do so, the facility requested the owner and operator of the recycling tank to assume the permit obligations, and it agreed to do so. However, as part of the transfer of the Kentec facility to a subsidiary of Unifi, Inc., Unifi indicated that the recycling permit should be issued to the subsidiary along with other permits for the Kinston and Kentec facilities. A permit transfer application to accomplish this transfer was sent to DuPont for review and signature on 10/1/04.				