

# Texas Commission on Environmental Quality Investigation Report

## ONYX ENVIRONMENTAL SERVICES LLC

## ONYX ENVIRONMENTAL SERVICES LLC

### RN102599719

Investigation # 277008

Incident #

Investigator: RODDY WHITE JR

Site Classification

MAJOR SOURCE

JUN 05 2008

Conducted: 07/16/2004 -- 07/16/2004

NAIC Code: 562211

SIC Code: 4941

Program(s): AIR OPERATING PERMITS

Investigation Type : Compliance Investigation

Location : On highway 73, 6.3 miles west of  
the intersection of West Port Arthur Road and  
Hwy 73. 7665 Hwy 73Additional ID(s) : 1509  
JE0024DAddress: 7665 HWY 73; PORT  
ARTHUR, TX 77640Activity Type : AIR SPCC - Site Permit Compliance  
CertificationPrincipal(s) :RoleName

RESPONDENT

ONYX ENVIRONMENTAL SERVICES LLC

Contact(s) :RoleTitleNamePhone

Regulated Entity Contact

ENVIRONMENTAL  
HEALTH AND SAFETY  
MANAGERMR DANIEL  
DUNCANFax (409) 736-1636  
Work (409) 736-4146

Participated in Investigation

ENVIRONMENTAL  
COMPLIANCE  
SUPERVISOR

MONA ROUNTREE

Work (409) 736-4122  
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Notified

ENVIRONMENTAL  
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Participated in Investigation

ENVIRONMENTAL  
HEALTH AND SAFETY  
MANAGERMR DANIEL  
DUNCANWork (409) 736-1636  
(409) 736-4146Other Staff Member(s) :RoleNameQA REVIEWER  
SUPERVISORJOEL STEIN  
KATHRYN SAUCEDA**Associated Check List**Checklist NameUnit Name

AIR INVESTIGATION TYPES FY04

SPCC ACTIVITY

AIR GENERIC INVESTIGATION (20 ITEMS)

SPCC CHECKLIST

Investigation Comments :

## I. INTRODUCTION

On July 16, 2004, Mr. Roddy White, Environmental Air Investigator of the Beaumont Region Office, conducted a Site Permit Compliance Certification (SPCC) review of the Onyx Environmental Services L.L.C annual Permit Compliance Certification (PCC) Report, for the reporting period of October 21, 2002, through October 21, 2003. The TCEQ issued Site Operating Permit (SOP) No.

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O-01509 on October 21, 2002. The PCC Report was postmarked on November 21, 2003 and was received by the Beaumont Region Office on November 24, 2003. (Refer to Attachment 1-Annual Permit Compliance Certification Report). Notification of the on site review was given in a telephone conversation with Mr. Dan Duncan on July 2, 2004.

Onyx has submitted three deviation reports since the issuance of the Federal Operating Permit on October 21, 2002. The first deviation report was received on May 21, 2003, for the period of October 21, 2002 through April 21, 2003. The report was postmarked on May 21, 2003. (Refer to Attachment 2- Six Month Deviation Report).

The second deviation report was received on November 21, 2003, for the period of April 21, 2003, through October 20, 2003. This report was postmarked on November 20, 2003. (Refer to Attachment 3- Six Month Deviation Report).

The third deviation report was submitted on May 20, 2004, for the period of November 21, 2003 through May 21, 2004. This report was postmarked on May 20, 2004. (Refer to Attachment 4- Six Month Deviation Report).

## II. GENERAL FACILITY AND PROCESS INFORMATION

Onyx operates a hazardous waste incinerator permitted under HW-50212-001 at this site.

## III. BACKGROUND

### Current Enforcement Actions

See the Additional Information section for the violations documented during this investigation.

### Agreed Orders, Court Orders, and Other Compliance Agreements

A Beaumont File review documented that the facility has not received any Agreed Orders, Court Orders, or other Compliance Agreements within the past five years.

### Complaints

A Beaumont file review indicated that the regional office has received no complaints regarding this facility in the last five years.

### Prior Enforcement Issues

A file review indicated the following enforcement in the past five years. Onyx was issued a Notice of Violation (NOV) on November 21, 2001 for failure to submit the required Initial Notification, Compliance Status, and Periodic Reports under 40 Code of Federal Regulations (CFR) 63 subpart H, for the period from February 1, 2000 through February 1, 2001. These violations were documented during a Comprehensive Compliance Investigation (CCI) conducted on September 28, 2001. Onyx Environmental Services failed to supply an initial notification as required under 40 Code of Federal Register CFR 63.182(a)(1) (Subpart H). The company was also deficient in supplying reports required under 40 CFR 63.182(a)(2) relating to notification of compliance status and 63.182(a)(3) relating to periodic reports. The facility is subject to 40 CFR 63 Subpart H as the facility conducts waste management of off site materials as a treatment storage and disposal facility under 40 CFR Part 264, subpart BB. The first semiannual report was due for the period of February 1, 2000 through July 31, 2000. The second period missed was for August 1, 2000 through February 28, 2001. A violation existed of 30 Texas Administrative Code (TAC) Chapter 113.130 (subpart H) for failure to submit the required reports. The violation was resolved by the submission of the reports before the investigation was conducted.

Onyx Environmental Services was also issued a violation of 30 TAC Chapter 101.10(E) for a failure to submit an Annual Emission Inventory (E.I.) on June 16, 2000. The emission inventory was received on May 8, 2001, resolving the NOV. This NOV was issued by the Austin Office of the TCEQ.

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**IV. ADDITIONAL INFORMATION**

On July 16, 2004, I arrived at the site at 8:00 a.m. An odor and visible emission survey was conducted prior to plant entry. No odors or visible emissions were detected. The sky was partly cloudy and the winds were from the southwest at 12 miles per hour (mph). The temperature was about 85 degrees Fahrenheit. I met Mr. Dan Duncan, the Environmental Health and Safety Manager, and Ms. Mona Rountree, the Environmental Compliance Supervisor.

The following violations were documented during this investigation:

For the reporting period of October 21, 2002 through April 21, 2003, Onyx reported eight deviations. Seven of the deviations involved high Carbon Monoxide (CO) readings from the Incinerator. After the deviation report was submitted, Onyx discovered that they were using the wrong formula in the database to calculate the CO emissions. The formula was corrected and the calculated emissions of CO dropped below the permit limit by a significant amount. Two deviations, Number 1 and Number 5, were still above the permit limits.

**Deviation #1**

On November 9, 2002, at 12:27 p.m. the combustion air became unbalanced due to a waste feed cutoff that occurred at 12:08 p.m. This caused the CO emissions to exceed the permit limit of 17.2 pounds per hour for 22 minutes. The emissions reported were the hourly rolling average.

Onyx operates under Hazardous Waste Permit HW-50212-001 and the 17.2 pound per hour limit is stated in Attachment E of that permit (See Attachment 5 for a copy of the Permit Attachment). Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4) which states: "The permit holder shall comply with all terms and conditions codified in the permit and any provisional terms and conditions required to be included with the permit."

Failure to comply with the requirements of TAC 122.143(4) is also a violation of Section 382.085(b) of the Texas Health and Safety Code which states: "A person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or of any commission rule or order."

Permit Condition V.G. of Permit 50212-001 states, in part: Emissions from this facility must not cause or contribute to a condition of air pollution as defined in Section 382.003 of the TEX HEALTH AND SAFETY CODE or violate Section 382.085 of the TEX HEALTH AND SAFETY CODE. Failure to comply with Section 382.085 is a violation of this condition and Permit 50212-001.

Deviations 2, 3, 4, 6, and 7 were misreported. The deviations were for High CO levels above the permit limit of HW-50212. Onyx was using the wrong formula for calculating the CO in the company data base. After the right formula was put in the database, the CO levels were below the permit limits.

**Deviation #5**

On January 29, 2003, at 7:27 p.m., insufficient combustion air was available for the rate of the BTUs (British Thermal Unit) that were fed. Combustion air became unbalanced due to a waste feed cutoff that occurred at 7:17 p.m. The emissions reported were the hourly rolling average. Onyx actually had two incidents this day with a revised time of 8:15 p.m. start and end time of 8:21 p.m. for a duration of 6 minutes. The second incident occurred at 9:08 p.m. and lasted until 9:12 p.m. for a duration of 4 minutes. During these two incidents the CO emissions exceeded the permit limit of 17.2 pounds per hour. Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4) which states: "The permit holder shall comply with all terms and conditions codified in the permit and any provisional terms and conditions required to be included with the permit."

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Failure to comply with the requirements of TAC 122.143(4) is also a violation of Section 382.085(b) of the Texas Health and Safety Code which states: "A person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or of any commission rule or order." Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

## Deviation #8

On October 21, 2002, through November 30, 2002, Onyx failed to record the hours of operation for the deep well emergency generator (DWBKUP). Onyx operates under Hazardous Waste Permit HW-50212-001 and Provision 1I of the permit states: "The permit holder shall comply with the requirements of 30 TAC 117, Subchapter B, Division 3." Title 30 Section 117.203 applies to the following units: WTBKUP, INCBKUP, DWBKUP, BOILER A, and BOILER B.

The deep well emergency generator is exempted from the requirements of Chapter 117 by 117.203(a)(6)(D) for stationary internal combustion engines which are used exclusively in emergency situations, except that operation for testing or maintenance purposes is allowed for up to 52 hours per year, based on a rolling 12-month average. Units complying with 30 TAC 117.203(a)(6)(D) are required to comply with 30 TAC 117.213(a)(1)(A)(ii), which requires the unit be equipped with run time meters and the hours of operation be recorded. Onyx failed to record the hours of operation for the period of October 21, 2002, through November 30, 2002.

Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with 30 TAC 117.213(I) is a violation of Provision 1I of Permit HW-50212-001.

Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 Texas Administrative Code (TAC) 122.143(4) which states: "The permit holder shall comply with all terms and conditions codified in the permit and any provisional terms and conditions required to be included with the permit." Failure to comply with the requirements of 30 TAC 122.143(4) and 30 TAC 117.213(I) is also a violation of Section 382.085(b) of the Texas Health and Safety Code. Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

For the reporting period of April 21, 2003 through October 21, 2003, Onyx reported eight deviations.

On May 26, 2003, at 1:50 a.m., a power failure from Entergy resulted in the cessation of operation the induced draft fan, which caused the opening of the thermal relief vent (TRV). This caused the Hydrogen Chloride (HCL), Particulate Matter (PM) and Sulfur Dioxide (SO2) emissions to exceed the permitted limits for 60 minutes. The limits are 3.21 pounds per hour of HCL, 9.0 pounds per hour for PM and 49.9 pounds per hour of SO2 (see Attachment 5 for copy of the Permit Limits). Onyx recorded the emissions event as a recordable only event. However the reportable quantity (RQ) for PM is 100 pounds as found in 30 TAC 101.1(84). The definitions state the RQ is the lowest quantity listed in 101.1(84) or 40 Code of Federal Register (CFR) 302, Table 302.4, or 40 CFR 355 Appendix A. If not found in these locations the RQ is 100 pounds. Particulate Matter was not found in these tables. Onyx supplied information from Keith Sheedy (dated March 23, 2001, located in Attachment 6) in a fax that indicated the particulate matter should be speciated. Onyx did not speciate the PM emissions and the fax stated: "if you have reviewed the chemical characteristics of a release and none of the individual compounds are listed per 101.1, then use the 100 pound default." Therefore, the RQ is 100 pounds for PM and the emissions event was not reported as required by 30 TAC 101.201.

During the emissions event Onyx released 247 pounds of HCL, 820 pounds of PM and 51 pounds of SO2 in a 60 minute period. Failure to report a reportable emissions event is a violation of 30 TAC 101.201(a)(1)(B) and the emissions released during the event are not exempt. See Attachment 7 for a copy of the emissions event report.

Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4). Failure to comply with the requirements of 30 TAC 122.143(4) and 30 TAC 101.202(a)(1)(B) is also a violation of Section 382.085(b) of the Texas Health and Safety Code. Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

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On July 8, 2003, at 1:52 a.m., a power failure from Entergy resulted in the cessation of the induced draft fan which caused the opening of the thermal relief vent (TRV). This caused the HCL, PM, and SO<sub>2</sub> emissions to exceed the permitted limits for 66 minutes. The limits are 3.21 pounds per hour of HCL, 9.0 pounds per hour for PM and 49.9 pounds per hour of SO<sub>2</sub> (see Attachment 5 for copy of the Permit Limits). During the emissions event Onyx released 73.7 pounds of HCL, 1,914 pounds of PM and 30.6 pounds of SO<sub>2</sub> in a 66 minute period. The emissions event was not reported as required by 101.201(a)(1)(B). See Attachment 8 for copy of the emissions event.

Failure to report a reportable emissions event is a violation of 30 TAC 101.201(a)(1)(B) and the emissions released during the event are not exempt. Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4). Failure to comply with the requirements of 30 TAC 122.143(4) and 30 TAC 101.201(a)(1)(B) is also a violation of Section 382.085(b) of the Texas Health and Safety Code. Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

On September 18, 2003, at 7:58 a.m., a drum of waste had excessive BTU content that caused the oxygen in the kiln to become depleted. This caused the CO emissions to exceed the permit limit of 17.2 pounds per hour for 35 minutes (see Attachment 5 for copy of the Permit Limits). The reported emissions are the hourly rolling average.

Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4). Failure to comply with the requirements of 30 TAC 122.143(4) is also a violation of Section 382.085(b) of the Texas Health and Safety Code. Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

On October 10, 2003, at 3:08 a.m., a drum ignited while being processed in the shear shredder. The resulting fire caused an emissions release which included HCL, PM, SO<sub>2</sub>, and CO emissions to exceed the permitted limits for 5 minutes. The limits are 3.21 pounds per hour of HCL, 9.0 pounds per hour for PM, 49.9 pounds per hour of SO<sub>2</sub>, and 17.2 pounds of CO (see Attachment 5 for copy of the Permit Limits). During the emissions event Onyx released 31 pounds of HCL, 300 pounds of PM, 60 pounds of SO<sub>2</sub> and 646 pounds of CO in a 5 minute period. Onyx recorded the emissions event as recordable only. Because 300 pounds of PM were released, the event is a reportable event.

Failure to report a reportable emissions event is a violation of 30 TAC 101.201(a)(1)(B) and the emissions released during the event are not exempt. See Attachment 9 for copy of the emissions event.

Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4). Failure to comply with the requirements of 30 TAC 122.143(4) and 30 TAC 101.201(a)(1)(B) is also a violation of Section 382.085(b) of the Texas Health and Safety Code. Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

For the reporting period of October 21, 2003 through April 21, 2004, Onyx reported two deviations.

On November 15, 2003, at 12:12 p.m., a drum of waste had excessive BTU content that caused the oxygen in the kiln to become depleted. This caused the CO emissions to exceed the permit limit of 17.2 pounds per hour for 57 minutes. The CO emissions reported were the hourly rolling average. The highest CO reading was 57 pounds per hour.

Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4). Failure to comply with the requirements of 30 TAC 122.143(4) is also a violation of Section 382.085(b) of the Texas Health and Safety Code. Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

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On December 12, 2003, at 8:32 p.m., a power failure from Entergy resulted in the cessation of the induced draft fan, then the opening of the thermal relief vent (TRV). This caused the HCL, PM, and SO2 emissions to exceed the permitted limits for 60 minutes. The limits are 3.21 pounds per hour of HCL, 9.0 pounds per hour for PM and 49.9 pounds per hour of SO2 (see Attachment 5 for copy of the Permit Limits). During the emissions event Onyx released 205 pounds of HCL, 485 pounds of PM and 42 pounds of SO2 in a 50 minute period. Onyx recorded the emissions event as a recordable event only. The emissions of 485 pounds of PM, with the reportable quantity of 100 pounds, requires the event to have been reported.

Failure to report a reportable emissions event is a violation of 30 TAC 101.201(a)(1)(B) and the emissions released during the event are not exempt. See Attachment 10 for copy of the emissions event.

Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4). Failure to comply with the requirements of 30 TAC 122.143(4) and 30 TAC 101.201(a)(1)(B) is also a violation of Section 382.085(b) of the Texas Health and Safety Code. Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

On December 29, 2003, at 1:47 p.m., a drum of waste had excessive BTU content that caused the oxygen in the kiln to become depleted. This caused the CO emissions to exceed the permit limit of 17.2 pounds per hour for 10 minutes. The CO emissions reported are the hourly rolling average. The highest CO reading was 17.9 pounds per hour.

Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4). Failure to comply with the requirements of 30 TAC 122.143(4) is also a violation of Section 382.085(b) of the Texas Health and Safety Code. Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

On March 10, 2004, at 5:50 a.m. friable ash fell from the top to the bottom of the quench vessel causing the recirculating pump to shut down and then causing the temperature to increase. The increasing temperature caused the automatic opening of the thermal relief vent (TRV). This caused the HCL, PM, and SO2 emissions to exceed the permitted limits for 41 minutes. The limits are 3.21 pounds per hour of HCL, 9.0 pounds per hour for PM and 49.9 pounds per hour of SO2 (see Attachment 5 for copy of the Permit Limits). During the emissions event Onyx released 169 pounds of HCL, 780 pounds of PM and 35 pounds of SO2 in a 41 minute period. The permitted SO2 limit was not exceeded. See Attachment 11 for copy of the emissions event.

The emissions of 780 pounds of PM, with the reportable quantity of 100 pounds, requires the event to have been reported. Failure to report a reportable emissions event is a violation of 30 TAC 101.201(a)(1)(B) and the emissions released during the event are not exempt.

Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4). Failure to comply with the requirements of 30 TAC 122.143(4) and 30 TAC 101.201(a)(1)(B) is also a violation of Section 382.085(b) of the Texas Health and Safety Code. Failure to comply with Section 382.085 is also a violation of Permit Condition V.G. of Permit 50212-001.

**OUTSTANDING ALLEGED VIOLATIONS**

Track No: 168616 Compliance Due Date: No Date Entered

30 TAC Chapter 122.143(4)  
5C THC Chapter 382.085(b)

**PERMIT HW 50212-001**

Permit Condition V.G. of Permit 50212-001 requires that this facility must not violate Section 382.085 of the TEX HEALTH AND SAFETY CODE.

**Alleged Violation:**

Investigation: 277008

Comment Date: 08/25/2004

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Failure to maintain an emission rate below the allowable emissions limit. The Incinerator stack has an emission limit for Carbon Monoxide (CO) of 17.2 pounds per hour. Hazardous Waste Permit HW-50212-001 establishes the 17.2 pound per hour limit in Attachment E of that permit.

The permit limit was exceeded five times since the Federal Operating Permit was issued. On November 9, 2002, the CO emissions exceeded the permit limit for 22 minutes on an hourly rolling average.

On January 29, 2003, the CO emissions exceeded the permit limit during two incidents. The first started at 8:15 p.m. and ending of 8:21 p.m. for a duration of 6 minutes. The second incident occurred at 9:08 p.m. and lasted until 9:12 p.m. for a duration of 4 minutes. The hourly rolling average CO limit was exceeded.

On September 18, 2003, the CO emissions exceeded the permit limit for 35 minutes on an hourly rolling average.

On November 15, 2003, the CO emissions exceeded the permit limit for 57 minutes on an hourly rolling average. The highest CO recorded was 57 pounds per hour.

On December 29, 2003, the CO emissions exceeded the permit limit for 10 minutes on an hourly rolling average. The highest CO recorded was 17.9 pounds per hour.

Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4) which states: "The permit holder shall comply with all terms and conditions codified in the permit and any provisional terms and conditions required to be included with the permit."

Failure to comply with the requirements of TAC 122.143(4) is also a violation of Section 382.085(b) of the Texas Health and Safety Code which states: "A person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or of any commission rule or order."

**Recommended Corrective Action:** Submit a corrective action plan and/or documentation necessary to address the alleged violations to prevent recurrence of same or similar incidents.

**Resolution:**

**Track No:** 168626 **Compliance Due Date:** No Date Entered

30 TAC Chapter 117.213(a)(1)(A)(ii)

30 TAC Chapter 122.143(4)

5C THC Chapter 382.085(b)

**PERMIT HW 50212-001**

Permit Condition V.G. of Permit 50212-001 requires that this facility must not violate Section 382.085 of the TEX HEALTH AND SAFETY CODE.

**Alleged Violation:**

Investigation: 277008

Comment Date: 08/25/2004

Failure to maintain and record the hours of operation of the deep well emergency generator (DWBKUP).

From October 21, 2002, through November 30, 2002, Onyx failed to record the hours of operation for the deep well emergency generator (DWBKUP). Provision 11 of Hazardous Waste Permit HW-50212-001 permit states: "The permit holder shall comply with the requirements of 30 TAC 117, Subchapter B, Division 3." Title 30 Section 117.203 applies to the following units WTBKUP, INCBKUP, DWBKUP, BOILER A, and BOILER B

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The deepwell emergency generator is required to comply with 30 TAC 117.213(a)(1)(A)(ii), which requires the hours of operation be recorded. Failure to comply with 30 TAC 117.213(a)(1)(A)(ii) is a violation of Provision 11 of Permit HW-50212-001. Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of 30 TAC 117.213(a)(1)(A)(ii) and 30 TAC 122.143(4) is also a violation of Section 382.085(b) of the Texas Health and Safety Code.

**Recommended Corrective Action:** Submit a corrective action plan and/or documentation necessary to address the alleged violations to prevent recurrence of same or similar incidents.

**Resolution:**

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**Track No:** 168630      **Compliance Due Date:** No Date Entered

**30 TAC Chapter 101.201(a)(1)(B)**

**5C THC Chapter 382.085(b)**

**PERMIT HW 50212-001**

Permit Condition V.G. of Permit 50212-001 requires that this facility must not violate Section 382.085 of the TEX HEALTH AND SAFETY CODE.

**Alleged Violation:**

Investigation: 277008

Comment Date: 08/25/2004

Failure to notify the regional office of reportable emissions events at the incinerator which occurred on May 26, 2003, July 8, 2003, October 10, 2003, December 12, 2003, and March 10, 2004.

During each of the emissions events, Onyx released more than 100 pounds of Particulate Matter (PM) which made the event reportable because the reportable quantity for PM is 100 pounds.

Based on the fact that the emissions events were not reported correctly, the emissions associated with these events are unauthorized. See Violation Track Number 168633 for the violations associated with the unauthorized emissions.

**Recommended Corrective Action:** Submit a corrective action plan and/or documentation necessary to address the alleged violations to prevent recurrence of same or similar incidents.

**Resolution:**

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**Track No:** 168633      **Compliance Due Date:** No Date Entered

**30 TAC Chapter 122.143(4)**

**5C THC Chapter 382.085(b)**

**PERMIT HW 50212-001**

Permit Condition V.G. of Permit 50212-001 requires that this facility must not violate Section 382.085 of the TEX HEALTH AND SAFETY CODE.

**Alleged Violation:**

Investigation: 277008

Comment Date: 08/25/2004

Failure to maintain an emission rate below the allowable emissions limit.

On May 26, 2003, Onyx released 247 pounds of HCL, 820 pounds of PM and 51 pounds of SO2 in a 60 minute period starting at 1:50 a.m. during an emissions event.

On July 8, 2003, Onyx released 73.7 pounds of HCL, 1,914 pounds of PM and 30.6 pounds of SO2 in a 66 minute period during an emissions event.

On October 10, 2003, Onyx released 31 pounds of HCL, 300 pounds of PM, 60 pounds of SO2 and 646 pounds of CO in a 5 minute period during an emissions event.



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On December 12, 2003, Onyx released 205 pounds of HCL, 485 pounds of PM and 42 pounds of SO2 in a 50 minute period during an emissions event.

On March 10, 2004, Onyx released 169 pounds of HCL, and 780 pounds of PM in a 41 minute period during an emissions event. The permitted SO2 limit was not exceeded.

The permit limits of Hazardous Waste Permit 50212-001 are 3.21 pounds per hour of HCL, 9.0 pounds per hour for PM and 49.9 pounds per hour of SO2. Federal Operating Permit (FOP) 1509 requires the facility to comply with HW-50212-001. Failure to comply with the requirements of Permit HW-50212-001 is a violation of 30 TAC 122.143(4).

Based on the fact that the emissions events were not reported correctly, the emissions are unauthorized. See Violation Track Number 168630 for the violations associated with the reporting requirements.

**Recommended Corrective Action:** Submit a corrective action plan and/or documentation necessary to address the alleged violations to prevent recurrence of same or similar incidents.

**Resolution:**

Signed Roddy L. White  
Environmental Investigator

Date August 26, 2004

Signed Stuart A. Muller  
Supervisor

Date 8/26/04

**Attachments: (in order of final report submittal)**

<input type="checkbox"/> Enforcement Action Request (EAR)	<input type="checkbox"/> Maps, Plans, Sketches
<input type="checkbox"/> Letter to Facility (specify type) : _____	<input type="checkbox"/> Photographs
<input type="checkbox"/> Investigation Report	<input type="checkbox"/> Correspondence from the facility
<input type="checkbox"/> Sample Analysis Results	<input type="checkbox"/> Other (specify) :
<input type="checkbox"/> Manifests	
<input type="checkbox"/> NOR	
Attachment 1	Permit Compliance Certification
Attachment 2	Deviation Report
Attachment 3	Deviation Report
Attachment 4	Deviation Report
Attachment 5	Attachment E of Permit 50212
Attachment 6	Keith Sheedy E-mail
Attachment 7	Reportable Emissions Event
Attachment 8	Reportable Emissions Event
Attachment 9	Reportable Emissions Event
Attachment 10	Reportable Emissions Event
Attachment 11	Reportable Emissions Event
Attachment 12	Potential Violations Form

# **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



## **Attachment 1 Permit Compliance Certification Report**

**ONYX ENVIRONMENTAL SERVICES LLC**

**RN102559719**

**Investigation Number 277008**

**Investigation Date - July 16, 2004**



RLW

INVESTIGATION

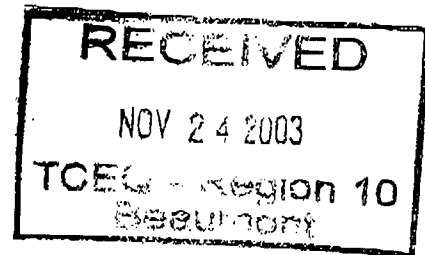
277008

November 21, 2003

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7003 1680 0001 4939 0386

ATTACHMENT 1  
PAGE 2 OF 9

Ms. Margaret Hoffman  
c/o Mr. Stuart Mueller  
Regional Air Section Manager  
TCEQ, Region 10  
3870 Eastex Fwy., Suite 110  
Beaumont, Texas 77703-1892



RE: Title V Permit Compliance Certification Report  
Permit Number 0-01509, Account Number JE-0024-D  
Onyx Environmental Services, L.L.C.  
Hwy 73, 3.5 Miles West of Taylors Bayou, Port Arthur, TX

Dear Mr. Mueller:

In accordance with 30 TAC §122.146(1), Onyx Environmental Services, L.L.C., (OES) is submitting the annual Permit Compliance Certification report (Form PCC), the certification by the Duly Authorized Representative (Form OP-CR01) and the current TCEQ Core Data Form for the referenced permit.

Should you have any questions regarding the deviation report or need additional information, please feel free to contact Mona Rountree at (409) 736-4122 or me at (409) 736-4146.

Sincerely,

Daniel J. Duncan  
Environmental, Health and Safety Manager  
Onyx Environmental Services, L.L.C.

cc: Art Mathes  
Mona Rountree  
Central Records (w/Attachments)

INFORMATION

RECEIVED

NOV 24 2003

## TNRCC Core Data Form

TNRCC Use Only

TCEQ - Region 10  
Beaumont

If you have questions on how to fill out this form or about our Central Registry, please contact us at 512-239-5415.

Individuals are entitled to request and review their personal information that the agency gathers on its forms.

They may also have any errors in their information corrected. To review such information, contact us at 512-239-5415.

INVESTIGATION

## SECTION I: General Information

1. Reason for Submission <i>Example: new wastewater permit; IHW registration; change in customer information; etc.</i> <b>Title V Minor Permit Revision</b>		ATTACHMENT PAGE 3 OF 9	
2. Attachments <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Describe Any Attachments: (ex: Title V Application, Waste Transporter Application, etc.) <b>Permit Compliance Certification</b>		
3. Customer Reference Number-if issued CN (9 digits)	4. Regulated Entity Reference Number-if issued RN (9 digits)		

## SECTION II: Customer Information

5. Customer Role (Proposed or Actual) - As It Relates to the Regulated Entity Listed on This Form Please check <u>one</u> of the following: <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner and Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Volunteer Cleanup Applicant <input type="checkbox"/> Other: _____			
TNRCC Use Only <input type="checkbox"/> Superfund <input type="checkbox"/> PST <input type="checkbox"/> Respondent			
6. General Customer Information <input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Change to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.			
7. Type of Customer: <input type="checkbox"/> Individual <input type="checkbox"/> Sole Proprietorship - D.B.A. <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Federal Government <input type="checkbox"/> State Government <input type="checkbox"/> County Government <input type="checkbox"/> City Government <input type="checkbox"/> Other Government <input type="checkbox"/> Other _____			
8. Customer Name (If an individual, please print last name first) If new name, enter previous name: <b>Onyx Environmental Services, LLC</b>			
9. Mailing Address: <b>P.O. Box 2563</b>			
City <b>Port Arthur</b>		State <b>Tx</b>	ZIP <b>77643</b>
			ZIP + 4 <b>2563</b>
10. Country Mailing Information if outside USA		11. E-Mail Address if applicable	
12. Telephone Number <b>(409)736-2821</b>	13. Extension or Code	14. Fax Number if applicable <b>(409)736-1836</b>	
15. Federal Tax ID (9 digits) <b>743024262</b>	16. State Franchise Tax ID Number if applicable	17. DUNS Number if applicable (9 digits) <b>7680775</b>	
18. Number of Employees <input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input checked="" type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		19. Independently Owned and Operated? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

## SECTION III: Regulated Entity Information

20. General Regulated Entity Information <input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Change to Regulated Entity Information <input checked="" type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section IV - Preparer Information.	
21. Regulated Entity Name (If an individual, please print last name first) <b>Onyx Environmental Services, LLC</b>	

## INVESTIGATION

22. Street Address: <b>7665 Highway 73</b>					
(No P.O. Boxes) <span style="float: right;">277008</span>					
City <b>Port Arthur</b>			State <b>Tx</b>	<b>ATTACHMENT 1</b> <b>PAGE 4 OF 9</b> <b>77640 2563</b>	
23. Mailing Address: <b>P.O. Box 2563</b>					
City <b>Port Arthur</b>			State <b>Tx</b>	ZIP <b>77643</b>	ZIP + 4. <b>2563</b>
24. E-Mail Address:					
25. Telephone Number <b>(409)736-2821</b>		26. Extension or Code		27. Fax Number if applicable <b>(409)736-1636</b>	
28. Primary SIC Code (4 digits) <b>4953</b>	29. Secondary SIC Code (4 digits)	30. Primary NAICS Code (5 or 6 digits) <b>562211</b>		31. Secondary NAICS Code (5 or 6 digits)	
32. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)					
<i>Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.</i>					
33. County: <b>Jefferson</b>					
34. Description of Physical Location <b>On Highway 73, 6.3 miles west of the intersection of West Port Arthur Road and Hwy. 73</b>					
35. Nearest City <b>Port Acres</b>			State <b>Tx</b>	Nearest ZIP <b>77640</b>	
36. Latitude (N)			37. Longitude (W)		
Degrees <b>29</b>	Minutes <b>51</b>	Seconds <b>29</b>	Degrees <b>94</b>	Minutes <b>5</b>	Seconds <b>19</b>
38. TNRCC Programs In Which This Regulated Entity Participates <i>Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "unknown."</i>					
<input type="checkbox"/> Animal Feeding Operation		<input checked="" type="checkbox"/> Petroleum Storage Tank		<input checked="" type="checkbox"/> Water Rights	
<input checked="" type="checkbox"/> Title V - Air		<input checked="" type="checkbox"/> Wastewater Permit		<input type="checkbox"/>	
<input checked="" type="checkbox"/> Industrial & Hazardous Waste		<input type="checkbox"/> Water Districts		<input type="checkbox"/>	
<input type="checkbox"/> Municipal Solid Waste		<input checked="" type="checkbox"/> Water Utilities		<input type="checkbox"/> Unknown	
<input checked="" type="checkbox"/> New Source Review - Air		<input type="checkbox"/> Licensing - TYPE(s)			

## SECTION IV: Preparer Information

39. Name <b>Daniel J. Duncan</b>		40. Title <b>Env. Health &amp; Safety Manager</b>	
41. Telephone Number <b>(409)736-4146</b>	42. Extension or Code	43. Fax Number if applicable <b>(409)736-1636</b>	
44. E-Mail Address: <b>dduncan@onyxes.com</b>			



**Form OP-CRO1**  
**Certification by Responsible Official**  
**Federal Operating Permit Program**

277008

ATTACHMENT 1  
 PAGE 5 OF 9

Title 30 Texas Administrative Code § 122.132(e) [30 TAC § 122.132(e)] (relating to "Application and Required Information") and 30 TAC § 122.165 (relating to "Certification by Responsible Official") require that a Responsible Official (RO), or appropriate designee, shall certify all documents submitted to the Texas Natural Resource Conservation Commission (TNRCC) as consideration for, or in support of, a federal operating permit (FOP), or that are required by 30 TAC Chapter 122 or by operating permit condition(s). This includes application materials, as well as, any associated federally applicable requirements, such as compliance monitoring, record keeping, testing, or reporting submittals. The certification shall state that, based upon the information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete, and must be signed by the RO, Duly Authorized Representative (DAR), Designated Representative (DR), or Alternate Designated Representative (ADR). (The DR and ADR apply to Title IV acid rain sources only. The DR or ADR shall certify application information for sites with one or more units subject to the Acid Rain Program, and shall certify application information and reports as an RO.) This Form OP-CRO1 satisfies these certification requirements in a manner consistent with 30 TAC § 122.165.

All initial permit application, permit revision, renewal, and reopening submittals requiring certification must be accompanied by this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications must be certified prior to public notice of the draft permit. Updates to general operating permit (GOP) applications must be certified prior to receiving a authorization to operate under a GOP.

<b>I. IDENTIFYING INFORMATION</b>			
A. Account No.: JE-0024-D		B. Permit No.: O-01509	C. Project No.: 1509
D. Area Name: Port Arthur Facility			
E. Company Name: Onyx Environmental Services, L.L.C.			
<b>II. CERTIFICATION TYPE</b> (Place an "X" in the appropriate box(es))			
A. Responsible Official:			
B. Duly Authorized Representative:		X	
C. Designated Representative (Title IV acid rain sources only):			
D. Alternate Designated Representative (Title IV acid rain sources only):			
<b>III. SUBMITTAL TYPE</b> (Place an "X" in the appropriate box): (Only <u>one</u> response can be accepted per form)			
	SOP/TOP Initial Permit Application		Permit Revision/Renewal/Reopening
	GOP Initial Permit Application		Update to Permit Application*
X	Other: Permit Compliance Certification		
<b>IV. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS</b>			
This certification does not extend to information which is designated by the TNRCC as information for reference only.			
I, <u>A.F. Mathes</u> , certify that I am the <u>DAR</u> and that, based on information (Name printed or typed) (RO, DAR, DR, and/or ADR)			
and belief formed after reasonable inquiry, the statements and information dated the following, or herein attached, are true, accurate, and complete:			
<u>11-21-2003</u>	Date 1*	Date 2*	Date 3*
	Date 4*	Date 5*	Date 6*
	Date 7*	Date 8*	
Dates 2-8 should <b>only</b> be completed if the box for "Update to Permit Application" is marked above, and this form is being used to certify updates that are, as yet, uncertified. If this is an "Update to Permit Application," it must be submitted before, or at the time of, the public notice certification.			
Signature: <u>A.F. Mathes</u>		Signature Date: <u>November 21, 2003</u>	
Title: <u>General Manager</u>			

was Federal Operating Permit Form  
PCC  
Permit Compliance Certification  
(Part 1)

INVESTIGATION

277008

ATTACHMENT 1  
PAGE 6 OF 9

Company Name	Onyx Environmental Services, L.L.C.	Account No.	JE-0024-D
Area Name	Port Arthur Facility	Op-Permit No.	O-01509
Certification Period Began on	October 21, 2002	And Ended on October 21, 2003	Report Submittal Date November 21, 2003

III. Certification of Continuous Compliance with Permit Terms and Conditions (Indicate response by placing an 'X' in the appropriate column for each of the following questions)	Response Yes No	
With the possible exception of those permit terms and conditions identified in the 'Summary of Deviations' found using, at a minimum, but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information, was the company in continuous compliance with all the terms and conditions of the permit over the Certification Period?	X	

IV. Summary of Deviations (Indicate response by placing an 'X' in the appropriate column for each of the following questions)	Response Yes No	
<p>A. Were there any deviations from any terms or conditions of the permit during the Certification Period that have <i>previously</i> been reported to the agency?</p> <p>If the answer to this question is 'Yes', please complete Part 2, and attach Part 2 to this page.</p> <p><i>Important Note:</i> If previously submitted reports did not contain specific information on monitoring methods, frequency and the total number of deviations experienced over the entire certification period, then use Part 3 to provide that information.</p>	X	
<p>B. Were there any deviations from any terms or conditions of the permit during the Certification Period that are <i>currently</i> being submitted to the agency?</p> <p>If the answer to this question is 'Yes', please include the relevant reports along with this page.</p>	X	

NOTE: The Responsible Official must certify the information reported in conjunction with this form in accordance with 30 TAC 122.143(16) utilizing form OP-CRO1 (Certification by Responsible Official). Therefore, complete an OP-CRO1 and attach it to this Compliance Certification package and submit the package to the appropriate TNRCC Regional Office.







INVESTIGATION

277008

ATTACHMENT 1  
PAGE 9 OF 9

U.S. POSTAGE  
PAID  
PORT ARTHUR, TX  
NOV 21, 03  
AMOUNT  
\$0.00  
0086312-03



77703



9264

RECEIVED

NOV 24 2003

TCEQ Region 10  
Beaumont

ONYA ENVIRONMENTAL SERVICES

✓ONYX

MS MARGARET HOFFMAN  
C/O MR STUART MUELLER  
REGIONAL AIR SECTION MANAGER  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
3870 EASTEX FREEWAY - SUITE 110  
BEAUMONT, TEXAS 77703-1892

Highway 73 - 3.5 miles west of Taylors Bayou  
Post Office Box 2563 - Port Arthur, Texas 77640



7003 1660 0001 4939 0386

# **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



## **Attachment 2 Deviation Report**

**ONYX ENVIRONMENTAL SERVICES LLC**

**RN102559719**

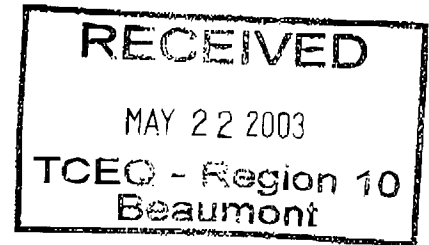
**Investigation Number 277008**

**Investigation Date - July 16, 2004**

**Page 1 of 9**



~~RECEIVED~~  
RW107221290



May 21, 2003

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
7001 0320 0005 1228 7035

**INVESTIGATION**

277008

ATTACHMENT 2  
PAGE 2 OF 9

Ms. Georgie Volz  
Regional Director  
Texas Commission on Environmental Quality (TCEQ), Region 10  
3870 Eastex Fwy., Suite 110  
Beaumont, Texas 77703-1892

**RE: Title V Federal Operating Permit Deviation Report**  
**Permit Number 0-01509, Account Number JE-0024-D**  
**Onyx Environmental Services, L.L.C.**  
**Hwy 73, 3.5 Miles West of Taylors Bayou, Port Arthur, TX**

Dear Ms. Volz:

In accordance with 30 TAC §122.145(2), Onyx Environmental Services, L.L.C., (OES) is submitting the semiannual deviation report (Form DevRpt), the certification by the Duly Authorized Representative (Form OP-CR01), the Delegation of Responsible Official Authority (Form OP-DEL), and the current TCEQ Core Data Form for the referenced permit. As discussed with Mr. Thomas Ennis (OES's permit writer with TCEQ in Austin) revisions to the permit, including newly promulgated regulations that now apply to the facility, will be submitted to TCEQ on or before July 1, 2003.

Should you have any questions regarding the deviation report or need additional information, please feel free to contact Mona Rountree at (409) 736-4122 or me at (409) 736-4146.

Sincerely,

Daniel J. Duncan  
Environmental, Health and Safety Manager  
Onyx Environmental Services, L.L.C.

cc: Art Mathes  
Mona Rountree  
Central Records (w/Attachments)

INFORMATION COPY

## Form OP-DEL

Delegation of Responsible Official Authority  
Federal Operating Permit Program

277008

ATTACHMENT 2  
PAGE 3 OF 9

A Responsible Official (RO) representing a corporation or military base may choose to delegate signature authority to a Duly Authorized Representative (DAR). Such delegation may be made to an individual or designated to a title that has responsibility for the overall operation of one or more manufacturing, production, or operating facilities applying for, or subject to, a federal operating permit. This Form OP-DEL must bear the original signature of the RO and the DAR. Electronic submittals of this form will not be accepted by the Texas Natural Resource Conservation Commission (TNRCC). After the initial submittal permit application submittal, if there is a new delegation or information change for the RO, Designated Representative (DR), or Alternate Designated Representative (ADR), include a completed Form OP-CRO2 (Change of Responsible Official) with the next submittal to the Texas Natural Resource Conservation Commission (TNRCC).

<b>I. IDENTIFYING INFORMATION</b>			
A. Account No.: JE-0024-D		B. Permit No.: O-01509	
C. Project No.: 1509			
D. Area Name: Onyx Environmental Services, L.L.C.			
E. Company Name: Onyx Environmental Services, L.L.C.			
F. Action Type:	New DAR Identification:	X	Administrative Information Change:
<b>II. DESIGNATION OF TITLE AUTHORITY</b>			
A. Title: General Manager		B. Effective Date: May 20, 2003	
<b>III. DULY AUTHORIZED REPRESENTATIVE INFORMATION</b>			
A. Name: A.F. Mathes			
B. Title: General Manager		C. Effective Date: May 20, 2003	
D. Telephone: 409.736.4104		E. Fax: 409.736.1636	
F. Mailing Address: P.O. Box 2563			
City: Port Arthur		State: Texas	Zip Code: 77643
G. Delivery Address: Hwy. 73 3.5 Miles West Taylor Bayou			
City: Port Arthur		State: Texas	Zip Code: 77640
<b>IV. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS</b>			
I, <u>GREIG R. SIEDOR</u> , certify that, based on information and belief formed after reasonable inquiry, the statements and information stated above are true, accurate, and complete. (RO or DAR name printed or typed)			
Responsible Official Signature: <u>Greig R. Siedor</u>		Signature Date: <u>20 MAY 2003</u>	
Title: <u>VICE PRESIDENT</u>			
Duly Authorized Representative Signature: <u>A.F. Mathes</u>		Signature Date: <u>May 20/03</u>	
Title: <u>General Manager</u>			



**Form OP-CRO1**  
**Certification by Responsible Official**  
**Federal Operating Permit Program**

INVESTIGATION

277008

ATTACHMENT 2  
 PAGE 4 OF 9

Title 30 Texas Administrative Code § 122.132(e) [30 TAC § 122.132(e)] (relating to "Application and Required Information") and 30 TAC § 122.165 (relating to "Certification by Responsible Official") require that a Responsible Official (RO), or appropriate designee, shall certify all documents submitted to the Texas Natural Resource Conservation Commission (TNRCC) as consideration for, or in support of, a federal operating permit (FOP), or that are required by 30 TAC Chapter 122 or by operating permit condition(s). This includes application materials, as well as, any associated federally applicable requirements, such as compliance monitoring, record keeping, testing, or reporting submittals. The certification shall state that, based upon the information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete, and must be signed by the RO, Duly Authorized Representative (DAR), Designated Representative (DR), or Alternate Designated Representative (ADR). (The DR and ADR apply to Title IV acid rain sources only. The DR or ADR shall certify application information for sites with one or more units subject to the Acid Rain Program, and shall certify application information and reports as an RO.) This Form OP-CRO1 satisfies these certification requirements in a manner consistent with 30 TAC § 122.165.

All initial permit application, permit revision, renewal, and reopening submittals requiring certification must be accompanied by this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications must be certified prior to public notice of the draft permit. Updates to general operating permit (GOP) applications must be certified prior to receiving a authorization to operate under a GOP.

<b>I. IDENTIFYING INFORMATION</b>			
A. Account No.: JE-0024-D		B. Permit No.: O-01509	
C. Project No.: 1509			
D. Area Name: Onyx Environmental Services, L.L.C.			
E. Company Name: Onyx Environmental Services, L.L.C.			
<b>II. CERTIFICATION TYPE</b> (Place an "X" in the appropriate box(es))			
A. Responsible Official:			
B. Duly Authorized Representative:		X	
C. Designated Representative (Title IV acid rain sources only):			
D. Alternate Designated Representative (Title IV acid rain sources only):			
<b>III. SUBMITTAL TYPE</b> (Place an "X" in the appropriate box) (Only one response can be accepted per form)			
SOP/TOP Initial Permit Application		Permit Revision/Renewal/Reopening	
GOP Initial Permit Application		Update to Permit Application*	
X Other: Deviation Report			
<b>IV. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS</b>			
This certification does not extend to information which is designated by the TNRCC as information for reference only.			
I, <u>A.F. Mathes</u> , certify that I am the <u>DAR</u> and that, based on information (Name printed or typed) (RO, DAR, DR, and/or ADR)			
and belief formed after reasonable inquiry, the statements and information dated the following, or herein attached, are true, accurate, and complete:			
<div style="display: flex; justify-content: space-between;"> <span><u>05-20-2003</u></span> <span><u>                    </u></span> <span><u>                    </u></span> <span><u>                    </u></span> <span><u>                    </u></span> <span><u>                    </u></span> <span><u>                    </u></span> <span><u>                    </u></span> </div> <div style="display: flex; justify-content: space-between; font-size: small;"> <span>Date 1*</span> <span>Date 2*</span> <span>Date 3*</span> <span>Date 4*</span> <span>Date 5*</span> <span>Date 6*</span> <span>Date 7*</span> <span>Date 8*</span> </div>			
Dates 2-8 should only be completed if the box for "Update to Permit Application" is marked above, and this form is being used to certify updates that are, as yet, uncertified. If this is an "Update to Permit Application," it must be submitted before, or at the time of, the public notice certification.			
Signature: <u>A.F. Mathes</u>		Signature Date: <u>May 20/03</u>	
Title: <u>General Manager</u>			

**TNRCC Core Data Form**TNRCC Use Only  
**INVESTIGATION****SECTION I: General Information**

1. Reason for Submission <i>Example: new wastewater permit; IHW registration; change in customer information; etc.</i> <b>Texas Operating Permit Deviation Report</b>		ATTACHMENT PAGE 5 OF 9
2. Attachments <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Describe Any Attachments: (ex: Title V Application, Waste Transporter Application, etc.) <b>Form DevRpt, Form OP-CRO1, and Form OP-DEL</b>	
3. Customer Reference Number-If issued <b>CN</b> (9 digits)	4. Regulated Entity Reference Number-If issued <b>RN</b> (9 digits)	

**SECTION II: Customer Information**

5. Customer Role (Proposed or Actual) -- As It Relates to the Regulated Entity Listed on This Form Please check <u>one</u> of the following: <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner and Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Volunteer Cleanup Applicant <input type="checkbox"/> Other: _____				
TNRCC Use Only <input type="checkbox"/> Superfund <input type="checkbox"/> PST <input type="checkbox"/> Respondent				
6. General Customer Information <input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Change to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.				
7. Type of Customer: <input type="checkbox"/> Individual <input type="checkbox"/> Sole Proprietorship - D.B.A. <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Federal Government <input type="checkbox"/> State Government <input type="checkbox"/> County Government <input type="checkbox"/> City Government <input type="checkbox"/> Other Government _____ <input type="checkbox"/> Other _____				
8. Customer Name (If an individual, please print last name first) <b>Onyx Environmental Services, LLC</b>				
9. Mailing Address: <b>P.O. Box 2563</b>				
City <b>Port Arthur</b>		State <b>TX</b>	ZIP <b>77643</b>	ZIP + 4 <b>2563</b>
10. Country Mailing Information if outside USA		11. E-Mail Address if applicable		
12. Telephone Number <b>(409)736-2821</b>		13. Extension or Code	14. Fax Number if applicable <b>(409)736-1636</b>	
15. Federal Tax ID (9 digits) <b>743024252</b>	16. State Franchise Tax ID Number if applicable		17. DUNS Number if applicable (9 digits) <b>7680775</b>	
18. Number of Employees <input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher			19. Independently Owned and Operated? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

**SECTION III: Regulated Entity Information**

20. General Regulated Entity Information <input checked="" type="checkbox"/> New Regulated Entity <input type="checkbox"/> Change to Regulated Entity Information <input type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section IV - Preparer Information.	
21. Regulated Entity Name (If an individual, please print last name first) <b>Onyx Environmental Services, LLC</b>	

277008

22. Street Address: 7665 Hwy 73					
(No P.O. Boxes)					
City		State		ZIP	
Port Arthur		TX		77640	
				ZIP + 4	
				2563	
23. Mailing Address					
P.O. Box 2563					
City		State		ZIP	
Port Arthur		TX		77643	
				ZIP + 4	
				2563	
24. E-Mail Address:					
25. Telephone Number			26. Extension or Code		27. Fax Number if applicable
(409)735-2821					(409)736-1636
28. Primary SIC Code (4 digits)		29. Secondary SIC Code (4 digits)		30. Primary NAICS Code (5 or 6 digits)	
4953				31. Secondary NAICS Code (5 or 6 digits)	
32. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)					
Industrial and hazardous waste incineration.					
Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.					
33. County: Jefferson					
34. Description of Physical Location					
On Highway 73, 6.3 miles west of the intersection of West Port Arthur Road and Hwy. 73					
35. Nearest City				State	
Port Acres				TX	
				Nearest ZIP	
				77640	
36. Latitude (N)			37. Longitude (W)		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
29	51	29	94	5	19
38. TNRCC Programs in Which This Regulated Entity Participates Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "unknown."					
<input type="checkbox"/> Animal Feeding Operation		<input checked="" type="checkbox"/> Petroleum Storage Tank		<input checked="" type="checkbox"/> Water Rights	
<input checked="" type="checkbox"/> Title V - Air		<input checked="" type="checkbox"/> Wastewater Permit		<input type="checkbox"/> _____	
<input checked="" type="checkbox"/> Industrial & Hazardous Waste		<input type="checkbox"/> Water Districts		<input type="checkbox"/> _____	
<input type="checkbox"/> Municipal Solid Waste		<input checked="" type="checkbox"/> Water Utilities		<input type="checkbox"/> Unknown	
<input checked="" type="checkbox"/> New Source Review - Air		<input type="checkbox"/> Licensing - TYPE(s) _____			

## SECTION IV: Preparer Information

39. Name			40. Title		
Daniel J. Duncan			Env. Health & Safety Manager		
41. Telephone Number		42. Extension or Code		43. Fax Number if applicable	
(409)736-4146				(409)736-1636	
44. E-Mail Address: dduncan@onyxes.com					



# Texas Operating Permit Deviation Report Form

Company Name Onyx Environmental Services, L.L.C.		Account No. JE-0024-D	
Area Name Onyx Environmental Services, L.L.C.		Operating Permit No. O-01509	
Report Period Begin Date October 21, 2002		Report Submittal Date May 21, 2003	
Report Period End Date April 21, 2003			

## Operating Permit Requirement for Which Deviations are Being Reported

ID Number (Rq'd if Applicable)	Permit Provision No. (Rq'd if Applicable)	Pollutant (Rq'd if Applicable)	Regulatory Requirement (Citation Rq'd if Applicable)	Type of Requirement (Rq'd)	SOP or GOP Index Number (See Instructions)	Monitoring Requirements (Rq'd as Applicable)	
Unit ID	Group ID					Citation	Frequency
INCINSTK	N/A	HW-50212-001 ATT E	CO	N/A	Standard	N/A	III.H.3.e. Continuous

## Details of Deviations from Above Referenced Requirement

(Note: All elements, except Event No., are Required for Each Period of Deviation)

Event No. (Optional)	Deviation Period				# Of Days	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
	Start Date	Time	End Date	Time			
1	11/09/2002	12:27 pm	11/09/2002	12:49 pm	1	Combustion air to waste ratio became unbalanced. CO was 17.9 lbs/hr vs permitted limit of 17.3 lbs/hr.	As required, all waste feeds were automatically cut off at 12:08 pm and remained cut off until CO emissions returned to permissive levels.
2	12/02/2002	5:13 am	12/02/2002	10:39 am	1	The incinerator was being shutdown in a controlled cool down. Large amounts of excess air are required to maintain low temperatures. This results in high CO. The CO averaged 20.7 lbs/hr. vs the permitted limit of 17.3 lbs/hr.	No wastes were fed on this day, the incinerator was cooled down as expeditiously as possible to limit CO emissions.
3	01/07/2003	11:46 am	01/07/2003	1:42 pm	1	The incinerator was being shutdown in a controlled cool down. Large amounts of excess air are required to maintain low temperatures. This results in high CO. The CO averaged 51.6 lbs/hr vs the permitted limit of 17.3 lbs/hr.	All wastes were cutoff at 6:19 am, the incinerator was cooled down as expeditiously as possible to limit CO emissions.

# Texas Operating Permit Deviation Report Form

Company Name <b>Onyx Environmental Services, L.L.C.</b>		Account No. <b>JE-0024-D</b>	
Area Name <b>Onyx Environmental Services, L.L.C.</b>		Operating Permit No. <b>O-01509</b>	
Report Period Begun on <b>October 21, 2002</b>		Report Submittal Date <b>May 21, 2003</b>	
And Ended on <b>April 21, 2003</b>			

## Operating Permit Requirement for Which Deviations are Being Reported

ID Number (Rqd if Applicable)	Permit Provision No. (Rqd if Applicable)	Pollutant (Rqd if Applicable)	Regulatory Requirement (Citation Rqd if Applicable)	Type of Requirement (Rqd)	SOP or GOP Index Number (See Instructions)	Monitoring Requirements (Rqd as Applicable)
Unit ID	Group ID					Citation
INCINSTK	N/A	HW-50212-001 ATT.B	CO	N/A	Standard	N/A
						III.H.3.e.
						Continuous

## Details of Deviations from Above Referenced Requirement

(Note: All elements, except Event No. are Required for Each Period of Deviation)

Event No. (Optional)	Deviation Period				# of Days	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
	Start Date	Start Time	End Date	End Time			
4	01/09/2003	10:45 am	01/10/2003	10:45 pm	1	The incinerator was being started up in a controlled heat up. Large amounts of excess air are required to maintain low temperatures. This results in high CO. The CO averaged 28.9 lbs/hr vs the permitted limit of 17.3 lbs/hr.	No wastes were fed on these days, the incinerator was heated up as expeditiously as possible to limit CO emissions.
5	01/29/2003	7:27 pm	01/29/2003	7:35 pm	1	Insufficient combustion air was available for the rate at which waste But's were fed. The average value of CO was 17.6 lbs/hr vs the permitted limit of 17.3 lbs/hr.	As required, waste feeds were automatically shut off at 7:17 pm, and remained shut off until CO emissions returned to permissive levels.
6	01/31/2003	9:08 pm	01/31/2003	10:18 pm	1	Combustion air to waste ratio became unbalanced. CO was 22.3 lbs/hr vs the permitted limit of 17.3 lbs/hr.	As required, all wastes were automatically cut off at 9:02 pm, and remained shut off until CO emissions returned to permissive levels.
7	02/11/2003	5:31 am	02/11/2003	7:10 am	1	The incinerator was being shutdown in a controlled cool down. Large amounts of excess air are required to maintain low temperatures. This results in high CO. The CO averaged 27.2 lbs/hr.	No wastes were fed since 00:20 am, the incinerator was heated up as expeditiously as possible to limit CO emissions.
Total Deviations							



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## Attachment 3 Deviation Report

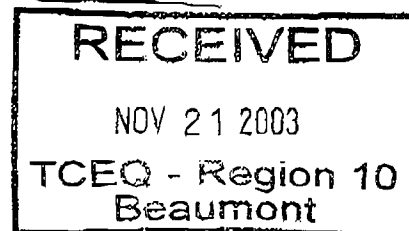
**ONYX ENVIRONMENTAL SERVICES LLC**

RN102559719

Investigation Number 277008

Investigation Date - July 16, 2004

Page 1 of 10



November 20, 2003

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7003 1680 0001 4939 0355**

**INVESTIGATION**

Ms. Georgie Volz  
Regional Director  
Texas Commission on Environmental Quality (TCEQ), Region 10  
3870 Eastex Fwy., Suite 110  
Beaumont, Texas 77703-1892

277008

ATTACHMENT 3  
PAGE 2 OF 16

**RE: Title V Federal Operating Permit Deviation Report**  
**Permit Number 0-01509, Account Number JE-0024-D**  
**Onyx Environmental Services, L.L.C.**  
**Hwy 73, 3.5 Miles West of Taylors Bayou, Port Arthur, TX**

Dear Ms. Volz:

In accordance with 30 TAC §122.145(2), Onyx Environmental Services, L.L.C., (OES) is submitting the semiannual deviation report (Form DevRpt), the certification by the Duly Authorized Representative (Form OP-CR01) and the current TCEQ Core Data Form for the referenced permit.

Should you have any questions regarding the deviation report or need additional information, please feel free to contact Mona Rountree at (409) 736-4122 or me at (409) 736-4146.

Sincerely,

Daniel J. Duncan  
Environmental, Health and Safety Manager  
Onyx Environmental Services, L.L.C.

cc: Art Mathes  
Mona Rountree  
Central Records (w/Attachments)

INFORMATION CCF

# TNRCC Core Data Form

TNRCC Use Only

INVESTIGATION

## SECTION I: General Information

1. Reason for Submission <i>Example: new wastewater permit; IHW registration; change in customer information;</i>	
Texas Operating Permit Deviation Report	
2. Attachments <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Describe Any Attachments: (ex: Title V Application, Waste Transporter Application, etc.) Form DevRpt, Form OP-CRO1, and Form OP-DEL
3. Customer Reference Number-if issued CN (9 digits)	4. Regulated Entity Reference Number-if issued RN (9 digits)

ATTACHMENT 3  
PAGE 3 OF 16

## SECTION II: Customer Information

5. Customer Role (Proposed or Actual) ~ As It Relates to the Regulated Entity Listed on This Form			
Please check <u>one</u> of the following: <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner and Operator			
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Volunteer Cleanup Applicant <input type="checkbox"/> Other: _____			
TNRCC Use Only <input type="checkbox"/> Superfund <input type="checkbox"/> PST <input checked="" type="checkbox"/> Respondent			
6. General Customer Information			
<input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Change to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> No Change*			
*If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.			
7. Type of Customer: <input type="checkbox"/> Individual <input type="checkbox"/> Sole Proprietorship - D.B.A. <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation			
<input type="checkbox"/> Federal Government <input type="checkbox"/> State Government <input type="checkbox"/> County Government <input type="checkbox"/> City Government			
<input type="checkbox"/> Other Government _____ <input type="checkbox"/> Other _____			
8. Customer Name (If an individual, please print last name first) Onyx Environmental Services, LLC			
9. Mailing Address: P.O. Box 2563			
City Port Arthur	State TX	ZIP 77643	ZIP + 4 2563
10. Country Mailing Information If outside USA		11. E-Mail Address if applicable	
12. Telephone Number (409)736-2821	13. Extension or Code	14. Fax Number if applicable (409)738-1636	
15. Federal Tax ID (9 digits) 743024252	16. State Franchise Tax ID Number if applicable	17. DUNS Number if applicable (9 digits) 7680775	
18. Number of Employees <input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher		19. Independently Owned and Operated? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

## SECTION III: Regulated Entity Information

20. General Regulated Entity Information	
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Change to Regulated Entity Information <input checked="" type="checkbox"/> No Change*	
*If "No Change" and Section I is complete, skip to Section IV - Preparer Information.	
21. Regulated Entity Name (If an individual, please print last name first) Onyx Environmental Services, LLC	

277008

22. Street Address: <b>7665 Hwy 73</b> (No P.O. Boxes)		City <b>Port Arthur</b>		State <b>TX</b>	ZIP <b>77640</b>	ZIP + 4 <b>2563</b>
ATTACHMENT <b>3</b> PAGE <b>4</b> OF <b>10</b>						
23. Mailing Address <b>P.O. Box 2563</b>		City <b>Port Arthur</b>		State <b>TX</b>	ZIP <b>77643</b>	ZIP + 4 <b>2563</b>
24. E-Mail Address:						
25. Telephone Number <b>(409)735-2821</b>		26. Extension or Code		27. Fax Number if applicable <b>(409)736-1636</b>		
28. Primary SIC Code (4 digits) <b>4953</b>	29. Secondary SIC Code (4 digits)	30. Primary NAICS Code (5 or 6 digits)		31. Secondary NAICS Code (5 or 6 digits)		
32. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.) <b>Industrial and hazardous waste incineration.</b>						
<i>Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.</i>						
33. County: <b>Jefferson</b>						
34. Description of Physical Location <b>On Highway 73, 6.3 miles west of the intersection of West Port Arthur Road and Hwy. 73</b>						
35. Nearest City <b>Port Acres</b>				State <b>TX</b>	Nearest ZIP <b>77640</b>	
36. Latitude (N)			37. Longitude (W)			
Degrees <b>29</b>	Minutes <b>51</b>	Seconds <b>29</b>	Degrees <b>94</b>	Minutes <b>5</b>	Seconds <b>19</b>	
38. TNRCC Programs In Which This Regulated Entity Participates <i>Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "unknown."</i>						
<input type="checkbox"/> Animal Feeding Operation		<input checked="" type="checkbox"/> Petroleum Storage Tank		<input checked="" type="checkbox"/> Water Rights		
<input checked="" type="checkbox"/> Title V - Air		<input checked="" type="checkbox"/> Wastewater Permit		<input type="checkbox"/>		
<input checked="" type="checkbox"/> Industrial & Hazardous Waste		<input type="checkbox"/> Water Districts		<input type="checkbox"/>		
<input type="checkbox"/> Municipal Solid Waste		<input checked="" type="checkbox"/> Water Utilities		<input type="checkbox"/> Unknown		
<input checked="" type="checkbox"/> New Source Review - Air		<input type="checkbox"/> Licensing - TYPE(s)				

## SECTION IV: Preparer Information

39. Name <b>Daniel J. Duncan</b>		40. Title <b>Env. Health &amp; Safety Manager</b>	
41. Telephone Number <b>(409)736-4146</b>		42. Extension or Code	
		43. Fax Number if applicable <b>(409)736-1636</b>	
44. E-Mail Address: <b>dduncan@onyxes.com</b>			



**Form OP-CRO1**  
**Certification by Responsible Official**  
**Federal Operating Permit Program**

**INVESTIGATION**

277008

**ATTACHMENT 3**  
**PAGE 5 OF 10**

Title 30 Texas Administrative Code § 122.132(e) [30 TAC § 122.132(e)] (relating to "Application and Required Information") and 30 TAC § 122.165 (relating to "Certification by Responsible Official") require that a Responsible Official (RO), or appropriate designee, shall certify all documents submitted to the Texas Natural Resource Conservation Commission (TNRCC) as consideration for, or in support of, a federal operating permit (FOP), or that are required by 30 TAC Chapter 122 or by operating permit condition(s). This includes application materials, as well as, any associated federally applicable requirements, such as compliance monitoring, record keeping, testing, or reporting submittals. The certification shall state that, based upon the information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete, and must be signed by the RO, Duly Authorized Representative (DAR), Designated Representative (DR), or Alternate Designated Representative (ADR). (The DR and ADR apply to Title IV acid rain sources only. The DR or ADR shall certify application information for sites with one or more units subject to the Acid Rain Program, and shall certify application information and reports as an RO.) This Form OP-CRO1 satisfies these certification requirements in a manner consistent with 30 TAC § 122.165.

All initial permit application, permit revision, renewal, and reopening submittals requiring certification must be accompanied by this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications must be certified prior to public notice of the draft permit. Updates to general operating permit (GOP) applications must be certified prior to receiving a authorization to operate under a GOP.

<b>I. IDENTIFYING INFORMATION</b>			
A. Account No.: JE-0024-D		B. Permit No.: O-01509	C. Project No.: 1509
D. Area Name: Port Arthur Facility			
E. Company Name: Onyx Environmental Services, L.L.C.			
<b>II. CERTIFICATION TYPE</b> (Place an "X" in the appropriate box[es]).			
A. Responsible Official:			
B. Duly Authorized Representative:		X	
C. Designated Representative (Title IV acid rain sources only):			
D. Alternate Designated Representative (Title IV acid rain sources only):			
<b>III. SUBMITTAL TYPE</b> (Place an "X" in the appropriate box) (Only one response can be accepted per form)			
	SOP/TOP Initial Permit Application		Permit Revision/Renewal/Reopening
	GOP Initial Permit Application		Update to Permit Application*
X	Other: Deviation Report		
<b>IV. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS</b>			
This certification does not extend to information which is designated by the TNRCC as information for reference only.			
I, <u>A.F. Mathes</u> , certify that I am the <u>DAR</u> and that, based on information (Name printed or typed) (RO, DAR, DR, and/or ADR)			
and belief formed after reasonable inquiry, the statements and information dated the following, or herein attached, are true, accurate, and complete:			
<u>11-20-2003</u>			
Date 1*	Date 2*	Date 3*	Date 4*
			Date 5*
			Date 6*
			Date 7*
			Date 8*
Dates 2-8 should only be completed if the box for "Update to Permit Application" is marked above, and this form is being used to certify updates that are, as yet, uncertified. If this is an "Update to Permit Application," it must be submitted before, or at the time of, the public notice certification.			
Signature: <u>A.F. Mathes</u>		Signature Date: <u>Nov. 20/03</u>	
Title: <u>General Manager</u>			



## Texas Operating Permit Deviation Report Form

Company Name: Onyx Environmental Services, L.L.C.		Account No.: JE-0024-D	
Area Name: Port Arthur Facility		Operating Permit No.: O-01509	
Report Period: April 21, 2003		Report Submittal Date: November 20, 2003	
And Ended on: October 21, 2003			

## Operating Permit Requirement for Which Deviations are Being Reported

ID Number (Req'd if Applicable)	Permit Provision No. (Req'd if Applicable)	Pollutant (Req'd if Applicable)	Regulatory Requirement (Citation Req'd if Applicable)	Type of Requirement (Req'd)	SOP or GOR Index Number (See Instructions)	Monitoring Requirements (Req'd as Applicable)	
Unit ID	Group ID					Citation	Frequency
Incinerate	N/A	HW-50212-001 Attachment E	HCL	N/A	STANDARD	N/A	N/A

## Details of Deviations from Above Referenced Requirement

(Note: All elements, except Event No., are Required for Each Period of Deviation)

Event No. (Optional)	Deviation Period		# Of Days	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
	Start Date	End Date			
7	05/26/2003	05/26/2003	1	Power delivery failure from Entergy caused cessation of induced draft fan, then automatic opening of the thermal relief vent (TRV).	All waste feeds to kiln and secondary combustion chamber were automatically cut-off at onset of power failure. Kiln rotation speed was reduced to reduce emissions.
9	07/08/2003	07/08/2003	1	Power delivery failure from Entergy caused cessation of induced draft fan, then automatic opening of the thermal relief vent (TRV).	All waste feeds to kiln and secondary combustion chamber were automatically cut-off at onset of power failure. Kiln rotation speed was reduced to reduce emissions.
11	10/10/2003	10/10/2003	1	Drum ignited while being processed in shear shredder. Resulting fire caused emission release.	Activated fire suppression system, extinguished fire and moved waste into kiln.

## Texas Operating Permit Deviation Report Form

Company Name Day Environmental Services, L.L.C.		Account No. JE-0024-D	
Area Name Port Arthur Facility		Operating Permit No. O-01509	
Report Period Beginning April 21, 2003		Report Submitted Date November 20, 2003	
And Ended on October 21, 2003			

## Operating Permit Requirement for Which Deviations are Being Reported

ID Number (Req'd if Applicable)	Permit Provision No. (Req'd if Applicable)	Pollutant (Req'd if Applicable)	Regulatory Requirement (Citation Req'd if Applicable)	Type of Requirement (Req'd)	SOP or GOP Index Number (See Instructions)	Monitoring Requirements (Req'd as Applicable)	
Unit ID	Group ID					Citation	Frequency
Inconcrete	N/A	HW-50212-001 Attachment E	PM	N/A	STANDARD	N/A	N/A

## Details of Deviations from Above Referenced Requirement

(Note: All elements, except Event No., are Required for Each Period of Deviation)

Event No. (Optional)	Deviation Period		# of Days	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
	Start Date	End Date			
7	05/26/2003 1:50 am	05/26/2003 2:50 am	1	Power delivery failure from Entergy caused cessation of induced draft fan, then automatic opening of the thermal relief vent (TRV).	All waste feeds to kiln and secondary combustion chamber were automatically cut-off at onset of power failure. Kiln rotation speed was reduced to reduce emissions.
9	07/08/2003 1:52 am	07/08/2003 2:58 am	1	Power delivery failure from Entergy caused cessation of induced draft fan, then automatic opening of the thermal relief vent (TRV).	All waste feeds to kiln and secondary combustion chamber were automatically cut-off at onset of power failure. Kiln rotation speed was reduced to reduce emissions.
11	10/10/2003 3:08 am	10/10/2003 3:13 am	1	Drum ignited while being processed in shear shredder. Resulting fire caused emission release.	Activated fire suppression system, extinguished fire and moved waste into kiln.

## Texas Operating Permit Deviation Report Form

Company Name: Onyx Environmental Services, L.L.C.		Account No.: JE-0024-D	
Area Name: Port Arthur Facility		Operating Permit No.: O-01509	
Report Period Began on: 04/21/2003	And Ended on: 10/21/2003	Report Submission Date: 11/20/2003	

Operating Permit Requirement for Which Deviations are Being Reported

ID Number (Req'd if Applicable)	Permit Provision No. (Req'd if Applicable)	Pollutant (Req'd if Applicable)	Regulatory Requirement (Citation Req'd if Applicable)	Type of Requirement (Req'd)	SOP or CQP Index Number (See Instructions)	Monitoring Requirements (Req'd as Applicable)		
Unit ID	Group ID					Citation	Frequency	
INCINSTK	N/A	HW-50212-001	CO	N/A	STANDARD	N/A	III.H.3.e.	Continuous

## Details of Deviations from Above Referenced Requirement

(Note: All elements, except Event No. are Required for Each Period of Deviation)

Event No. (Option a)	Deviation Period				# Of Days	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
	Start Date	Time	End Date	Time			
10	09/18/2003	7:23 am	09/18/2003	7:58 am	1	Drum of waste had excessive BTU content causing the oxygen to become depleted.	All waste feed was cut off at 100 ppm instantaneous value of CO.
11	10/10/2003	3:08 am	10/10/2003	3:13 am	1	Drum ignited while being processed in shear shredder. Resulting fire caused emission release.	Activated fire suppression system, extinguished fire and moved waste into kiln.
Total Deviations:							

## Texas Operating Permit Deviation Report Form

Company Name: Polys Environmental Services, L.L.C.		Account No.: JE-0024-D	
Area Name: Arthur Facility		Operating Permit No.: O-01509	
Report Period: April 21, 2003	And ended on: October 21, 2003	Report Submission Date: November 20, 2003	

## Operating Permit Requirement for Which Deviations are Being Reported

ID Number (Req'd if Applicable)	Permit Provision No. (Req'd if Applicable)	Pollutant (Req'd if Applicable)	Regulatory Requirement (Citation, Req'd if Applicable)	Type of Requirement (Req'd if Applicable)	SOP or COP Index Number (See Instructions)	Monitoring Requirements (Req'd as Applicable)	Citation	Frequency
Unit ID	Group ID							
Incinerate	N/A	HW-50212-001	SO2	N/A	STANDARD	N/A	Attachment E	Continuous

## Details of Deviations from Above Referenced Requirement

(Note: All elements, except Event No. are Required for Each Period of Deviation)

Event No. (Optional)	Start Date	Deviation Period Time	End Date	Time	# Of Days	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
7	05/26/2003	1:50 am	05/26/2003	2:50 am	1	Power delivery failure from Battery caused cessation of induced draft fan, then automatic opening of the thermal relief vent (TRV).	All waste feeds to kiln and secondary combustion chamber were automatically cut-off at onset of power failure. Kiln rotation speed was reduced to reduce emissions.
11	10/10/2003	3:08 am	10/10/2003	3:13 am	1	Drum ignited while being processed in shear shredder. Resulting fire caused emission-release.	Activated fire suppression system, extinguished fire and moved waste into kiln.

INVESTIGATION

277008

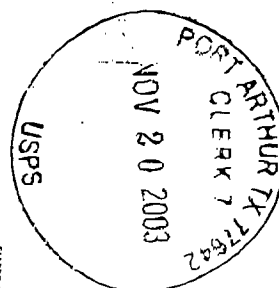
ATTACHMENT 3  
PAGE 10 OF 10

7003 1600 0001 4939 0355

**ONYX ENVIRONMENTAL SERVICES****ONYX**

MS GEORGIE VOLZ  
 REGION DIRECTOR  
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
 3870 EASTEX FREEWAY - SUITE 110  
 BEAUMONT, TEXAS 77703-1892

Highway 73 - 3.5 miles west of Taylor's Bayou  
 Post Office Box 2563 - Port Arthur, Texas 77640

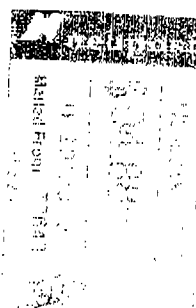


9264



77703

U.S. POSTAGE  
 PAID  
 PORT ARTHUR, TX  
 NOV 20, 2003  
 AMOUNT  
**\$0.00**  
 0056974-19



# **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



## **Attachment 4 Deviation Report**

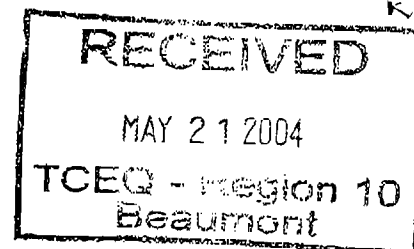
**ONYX ENVIRONMENTAL SERVICES LLC**

**RN102559719**

**Investigation Number 277008**

**Investigation Date - July 16, 2004**

**Page 1 of 10**



May 20, 2004

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

7003 1680 0001 4939 1994

INVESTIGATION

Ms. Georgie Volz  
Regional DirectorTexas Commission on Environmental Quality (TCEQ), Region 10  
3870 Eastex Fwy., Suite 110  
Beaumont, Texas 77703-1892

277008

ATTACHMENT 4  
PAGE 2 OF 10

**RE: Title V Federal Operating Permit Deviation Report**  
**Permit Number 0-01509, Air Account Number JE-0024-D**  
**Onyx Environmental Services, L.L.C.**  
**Hwy 73, 3.5 Miles West of Taylors Bayou, Port Arthur, TX**

Dear Ms. Volz:

In accordance with 30 TAC §122.145(2), Onyx Environmental Services, L.L.C., (OES) is submitting the semiannual deviation report (Form DevRpt), the certification by the Duly Authorized Representative (Form OP-CR01) and the current TCEQ Core Data Form for the referenced permit.

Should you have any questions regarding the deviation report or need additional information, please feel free to contact Mona Rountree at (409) 736-4122 or me at (409) 736-4146.

Sincerely,

Daniel J. Duncan  
Environmental, Health and Safety Manager  
Onyx Environmental Services, L.L.C.

COPY

cc: Art Mathes  
Mona Rountree  
Central Records (w/Attachments)

**TNRCC Core Data Form**

TNRCC Use Only

**SECTION I: General Information**

1. Reason for Submission <i>Example: new wastewater permit; IHW registration; change in customer information; etc.</i> <b>Texas Operating Permit Deviation Report</b>	
2. Attachments <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Describe Any Attachments: (ex: Title V Application, Waste Transporter Application, Form DevRpt and Form OP-CRO1)
3. Customer Reference Number-if issued <b>CN600130835</b> (9 digits)	4. Regulated Entity Reference Number-if issued <b>RN102599719</b> (9 digits)

**SECTION II: Customer Information**

5. Customer Role (Proposed or Actual) -- As It Relates to the Regulated Entity Listed on This Form Please check <u>one</u> of the following: <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner and Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Volunteer Cleanup Applicant <input type="checkbox"/> Other: _____			
TNRCC Use Only <input type="checkbox"/> Superfund <input type="checkbox"/> PST <input type="checkbox"/> Respondent			
6. General Customer Information <input type="checkbox"/> New Customer <input type="checkbox"/> Change to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input checked="" type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.			
7. Type of Customer: <input type="checkbox"/> Individual <input type="checkbox"/> Sole Proprietorship - D.B.A. <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Federal Government <input type="checkbox"/> State Government <input type="checkbox"/> County Government <input type="checkbox"/> City Government <input type="checkbox"/> Other Government _____ <input type="checkbox"/> Other _____			
8. Customer Name (If an individual, please print last name first)			
9. Mailing Address: _____ City _____ State _____ ZIP _____ ZIP + 4 _____			
10. Country Mailing Information if outside USA		11. E-Mail Address if applicable	
12. Telephone Number		13. Extension or Code	14. Fax Number if applicable
15. Federal Tax ID (9 digits)		16. State Franchise Tax ID Number if applicable	
		17. DUNS Number If applicable (9 digits)	
18. Number of Employees <input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		19. Independently Owned and Operated? <input type="checkbox"/> YES <input type="checkbox"/> NO	

**SECTION III: Regulated Entity Information**

20. General Regulated Entity Information <input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Change to Regulated Entity Information <input checked="" type="checkbox"/> No Change* *If "No Change" and Section I is complete, skip to Section IV - Preparer Information.
21. Regulated Entity Name (If an individual, please print last name first)



<b>22. Street Address:</b>					
(No P.O. Boxes)					
City		State		ZIP	ZIP + 4
<b>INVESTIGATION</b>					
<b>23. Mailing Address</b>					
City		State		ZIP	ZIP + 4
<b>ATTACHMENT 4</b> <b>PAGE 4 OF 10</b>					
<b>24. E-Mail Address:</b>					
<b>25. Telephone Number</b>		<b>26. Extension or Code</b>		<b>27. Fax Number if applicable</b>	
( ) -				( ) -	
<b>28. Primary SIC Code</b> (4 digits)	<b>29. Secondary SIC Code</b> (4 digits)	<b>30. Primary NAICS Code</b> (5 or 6 digits)		<b>31. Secondary NAICS Code</b> (5 or 6 digits)	
<b>32. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)</b>					
<i>Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.</i>					
<b>33. County:</b>					
<b>34. Description of Physical Location</b>					
<b>35. Nearest City</b>		State		Nearest ZIP	
<b>36. Latitude (N)</b>		<b>37. Longitude (W)</b>			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
<b>38. TNRCC Programs In Which This Regulated Entity Participates</b> <i>Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "unknown."</i>					
<input type="checkbox"/> Animal Feeding Operation	<input type="checkbox"/> Petroleum Storage Tank		<input type="checkbox"/> Water Rights		
<input type="checkbox"/> Title V - Air	<input type="checkbox"/> Wastewater Permit		<input type="checkbox"/> _____		
<input type="checkbox"/> Industrial & Hazardous Waste	<input type="checkbox"/> Water Districts		<input type="checkbox"/> _____		
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> Water Utilities		<input type="checkbox"/> Unknown		
<input type="checkbox"/> New Source Review - Air	<input type="checkbox"/> Licensing - TYPE(s) _____				

**SECTION IV: Preparer Information**

<b>39. Name</b> Daniel J. Duncan		<b>40. Title</b> Env. Health & Safety Manager	
<b>41. Telephone Number</b> (409)736-4146	<b>42. Extension or Code</b>	<b>43. Fax Number if applicable</b> (409)736-1636	
<b>44. E-Mail Address:</b> dduncan@onyxes.com			



**Form OP-CRO1**  
**Certification by Responsible Official**  
**Federal Operating Permit Program**

**INVESTIGATION**

277008

Title 30 Texas Administrative Code § 122.132(e) [30 TAC § 122.132(e)] (relating to "Application and **ATTACHMENT 4** and 30 TAC § 122.165 (relating to "Certification by Responsible Official") require that a Responsible Official (RO), or appropriate designee, shall certify all documents submitted to the Texas Natural Resource Conservation Commission (TNRCC) as consideration for, or in support of, a federal operating permit (FOP), or that are required by 30 TAC Chapter 122 or by operating permit condition(s). This includes application materials, as well as, any associated federally applicable requirements, such as compliance monitoring, record keeping, testing, or reporting submittals. The certification shall state that, based upon the information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete, and must be signed by the RO, Duly Authorized Representative (DAR), Designated Representative (DR), or Alternate Designated Representative (ADR). (The DR and ADR apply to Title IV acid rain sources only. The DR or ADR shall certify application information for sites with one or more units subject to the Acid Rain Program, and shall certify application information and reports as an RO.) This Form OP-CRO1 satisfies these certification requirements in a manner consistent with 30 TAC § 122.165.

All initial permit application, permit revision, renewal, and reopening submittals requiring certification must be accompanied by this form. Updates to site operating permit (SOP) and temporary operating permit (TOP) applications must be certified prior to public notice of the draft permit. Updates to general operating permit (GOP) applications must be certified prior to receiving a authorization to operate under a GOP.

<b>I. IDENTIFYING INFORMATION</b>			
A. Account No.: JE-0024-D		B. Permit No.: O-01509	C. Project No.: 1509
D. Area Name: Onyx Environmental Services, L.L.C.			
E. Company Name: Onyx Environmental Services, L.L.C.			
<b>II. CERTIFICATION TYPE</b> (Place an "X" in the appropriate box[es])			
A. Responsible Official:			
B. Duly Authorized Representative:		X	
C. Designated Representative (Title IV acid rain sources only):			
D. Alternate Designated Representative (Title IV acid rain sources only):			
<b>III. SUBMITTAL TYPE</b> (Place an "X" in the appropriate box) (Only <u>one</u> response can be accepted per form)			
	SOP/TOP Initial Permit Application		Permit Revision/Renewal/Reopening
	GOP Initial Permit Application		Update to Permit Application*
X	Other: Deviation Report		
<b>IV. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS</b>			
This certification does not extend to information which is designated by the TNRCC as information for reference only.			
I, <u>A.F. Mathes</u> , certify that I am the <u>DAR</u> and that, based on information (Name printed or typed) (RO, DAR, DR, and/or ADR)			
and belief formed after reasonable inquiry, the statements and information dated the following, or herein attached, are true, accurate, and complete:			
<u>05-19-2004</u>			
Date 1*	Date 2*	Date 3*	Date 4*
Dates 2-8 should only be completed if the box for "Update to Permit Application" is marked above, and this form is being used to certify updates that are, as yet, uncertified. If this is an "Update to Permit Application," it must be submitted before, or at the time of, the public notice certification.			
Signature: <u>A.F. Mathes</u>		Signature Date: <u>May 19/04</u>	
Title: <u>General Manager.</u>			

## Texas Operating Permit Deviation Report Form

Company Name		Onyx Environmental Services, L.L.C.				Account No.	JE-0024-D
Area Name		Onyx Environmental Services, L.L.C.				Operating Permit No.	O-01509
Report Period Began on		October 21, 2003	And Ended on		April 21, 2004	Report Submittal Date	May 20, 2004

Operating Permit Requirement for Which Deviations are Being Reported							
ID Number (Req'd if Applicable)	Unit ID	Permit Provision No. (Req'd if Applicable)	Pollutant (Req'd if Applicable)	Regulatory Requirement (Citation Req'd if Applicable)	Type of Requirement (Req'd)	SOP or GOP Index Number (See Instructions)	Monitoring Requirements (Req'd as Applicable)
Incinerate	N/A	HW-50212-001 ATT. E	CO	N/A	Standard	N/A	III.H.3.e.
							Frequency Continuous

Details of Deviations from Above Referenced Requirement (Note: All elements, except Event No., are Required for Each Period of Deviation)							
Event No. (Optional)	Deviation Period		# Of Devs	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation	Frequency	Citation
	Start Date	End Date					
	11/15/2003	12:12 pm	11/15/2003	13:09 pm	1	A drum of waste had excessive BTU content causing the oxygen to become depleted.	All waste feed was automatically cut off until CO emissions returned to permissive levels.
	12/29/2003	13:47 pm	12/29/2003	13:57 pm	1	The incinerator was being started up in a controlled heat up. Large amounts of excess air are required to maintain low temperatures. This results in high CO. The average value of CO was 17.9 lbs/hr.	No waste was being fed during this time and the incinerator was heated up as expeditiously as possible to limit CO emissions.

INVESTIGATION

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ATTACHMENT 4  
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## Texas Operating Permit Deviation Report Form

Company Name		Onyx Environmental Services, L.L.C.				Account No.	JE-0024-D
Area Name		Port Arthur Facility				Operating Permit No.	0-01509
Report Period Began on		October 21, 2003		And Ended on		April 21, 2004	Report Submitted Date
Report Period Began on		October 21, 2003		And Ended on		April 21, 2004	Report Submitted Date
Operating Permit Requirement for Which Deviations are Being Reported							
ID Number (Rq'd if Applicable)	Permit Provision No. (Rq'd if Applicable)	Pollutant (Rq'd if Applicable)	Regulatory Requirement (Rq'd if Applicable)	Type of Requirement (Rq'd)	SOP or GOP Index Number (See Instructions)	Monitoring Requirements (Rq'd as Applicable)	
Unit ID	Group ID					Citation	Frequency
Incinerate	N/A	PM	N/A	STANDARD	N/A	N/A	N/A

**Details of Deviations from Above Referenced Requirement**  
(Note: All elements, except Event No. are Required for Each Period of Deviation)

Event No. (Optional)	Deviation Period			# Of Devs	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
	Start Date	Time	End Date			
	12/12/2003	20:32pm	12/12/2003	21:22pm	1	Power delivery failure from Entergy caused cessation of induced draft fan, then automatic opening of the thermal relief vent (TRV).
	03/10/2004	05:50am	03/10/2004	06:31am	1	Friable ash and slag fell from the top to the bottom of the quench vessel causing the recirculating pumps to shut down which caused the temperatures to increase. The increased temperatures triggered the automatic opening of the Thermal Relief Vent (TRV).
						All waste feeds to the kiln and secondary combustion chamber were automatically cut-off at the onset of power failure. Kiln rotation speed was decreased to reduce emissions.
						All waste feeds to the kiln and secondary combustion chamber (SCC) were automatically cutoff. The kiln rotation speed was decreased to minimize mixing and reduce emissions.

INVESTIGATION

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ATTACHMENT 4  
PAGE 7 OF 18

## Texas Operating Permit Deviation Report Form

Company Name		Onyx Environmental Services, L.L.C.		Account No.	JE-0024-D
Area Name		Port Arthur Facility		Operating Permit No.	O-01509
Report Period Began on		October 21, 2003	And Ended on	April 21, 2004	Report Submittal Date
Operating Permit Requirement for Which Deviations are Being Reported					
ID Number (Rq'd if Applicable)	Permit Provision No. (Rq'd if Applicable)	Pollutant (Rq'd if Applicable)	Regulatory Requirement (Citation Rq'd if Applicable)	Type of Requirement (Rq'd)	SOP or GOP Index Number (Set Instructions)
Unit ID	Group ID				
Incinerate	N/A	SO <sub>2</sub>	N/A	STANDARD	N/A
Monitoring Requirements (Rq'd as Applicable)					Frequency
Attachment E					Continuous

**Details of Deviations from Above Referenced Requirement**  
(Note: All elements, except Event No. are Required for Each Period of Deviation)

Event No. (Optional)	Deviation Period		# Of Devs	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
	Start Date Time	End Date Time			
	12/12/2003	20:32pm	1	Power delivery failure from Entergy caused cessation of induced draft fan, then automatic opening of the thermal relief vent (TRV).	All waste feeds to the kiln and secondary combustion chamber were automatically cut-off at the onset of power failure. Kiln rotation speed was decreased to reduce emissions.
	03/10/2004	05:50am	1	Friable ash and slag fell from the top to the bottom of the quench vessel causing the recirculating pumps to shut down which caused the temperatures to increase. The increased temperatures triggered the automatic opening of the Thermal Relief Vent (TRV).	All waste feeds to the kiln and secondary combustion chamber (SCC) were automatically cutoff. The kiln rotation speed was decreased to minimize mixing and reduce emissions.

INVESTIGATION  
277008  
ATTACHMENT 4  
PAGE 8 OF 10

## Texas Operating Permit Deviation Report Form

Company Name		Onyx Environmental Services, L.L.C.		Account No.	JE-0024-D
Area Name		Port Arthur Facility		Operating Permit No.	O-01509
Report Period Began on		October 21, 2003	And Ended on	April 21, 2004	Report Submittal Date
Report Period Began on		October 21, 2003	And Ended on	April 21, 2004	Report Submittal Date

Operating Permit Requirement for Which Deviations are Being Reported									
ID Number (Rq'd if Applicable)	Unit ID	Group ID	Permit Provision No. (Rq'd if Applicable)	Pollutant (Rq'd if Applicable)	Regulatory Requirement (Citation Rq'd if Applicable)	Type of Requirement (Rq'd)	SOP or GOP Index Number (See Instructions)	Monitoring Requirements (Rq'd as Applicable)	
Incinerate	N/A		HW-50212-001 Attachment E	HCL	N/A	STANDARD	N/A	Citation	Frequency
					N/A		N/A	N/A	N/A

Details of Deviations from Above Referenced Requirement (Note: All elements, except Event No. are Required for Each Period of Deviation)									
Event No. (Optional)	Deviation Period			# Of Devs	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation			
	Start Date	Time	End Date						
	12/12/2003	20:32pm	12/12/2003	21:22pm	1	Power delivery failure from Entergy caused cessation of induced draft fan, then automatic opening of the thermal relief vent (TRV).			
	3/10/2004	05:50am	3/10/2004	06:31am	1	Friable ash and slag fell from the top to the bottom of the quench vessel causing the recirculating pumps to shut down, which caused the temperatures to increase. The increased temperatures triggered the automatic opening of the Thermal Relief Vent (TRV).			
						All waste feeds to the kiln and secondary combustion chamber were automatically cut-off at the onset of power failure. Kiln rotation speed was decreased to reduce emissions.			
						All waste feeds to the kiln and secondary combustion chamber (SCC) were automatically cutoff. The kiln rotation speed was decreased to minimize mixing and reduce emissions.			

INVESTIGATION

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ATTACHMENT  
PAGE 9 OF 10

Page 4 of 4

U.S. POSTAGE  
PAID  
PORT ARTHUR, TX  
77642  
MAY 20, 04  
AMOUNT

\$0.00  
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9264

# ONYX ENVIRONMENTAL SERVICES

ONYX

MS GEORGE VOLZ  
REGIONAL DIRECTOR  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
3870 BASTEX FWY., SUITE 110  
BEAUMONT, TEXAS 77703-1892

Highway 73 - 3.5 miles west of Taylor's Bayou  
Post Office Box 2563 - Port Arthur, Texas 77640

## INVESTIGATION

277008

ATTACHMENT 4  
PAGE 10 OF 10

7003 1680 0001 4939 1994

**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**



**Attachment  
5  
Attachment E  
of Permit 50212**

**ONYX ENVIRONMENTAL SERVICES LLC**  
RN102559719  
Investigation Number 277008

Investigation Date - July 16, 2004



Permit No. EW-50212-001  
Attachment E  
Sheet 1 of 4

## INVESTIGATION

277006

ATTACHMENT S  
PAGE 2 OF S

## ATTACHMENT E

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

## INVESTIGATION

277008

Permit No. HW-50212-001  
Attachment E  
Sheet 2 of 4ATTACHMENT 5  
PAGE 3 OF 5

## ATTACHMENT E

## Emission Sources - Maximum Allowable Emission Rates

This table lists all sources of air contaminants emitted by the facility on applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

EMISSION POINT NO. (1)	SOURCE NAME (2)	AIR CONTAMINANTS DATA		
		AIR CONTAMINANT NAME	EMISSION RATES*	
			#/HR	TPY
A	Access Roads (8)	PM (6)		1.16
B	Truck and Container Storage Area (8)	VOC (3) PM (6)	Negligible Negligible	
C	Incinerator Stack	VOC (3) NOx (4)(***) SOx (5) PM (6) CO (7) Hydrogen Chloride Chlorine PCB (9) Lead Cadmium Vanadium Mercury Arsenic Beryllium Chromium Nickel Vinyl Chloride Hydrogen Fluoride Total Chlorinated Dioxins Total Chlorinated Furans Acrylamide Chloromethylmethylether 1,2-dibromo-3- chloropropane sym-dichloromethylether Dicrotophos Dimethyl carbamoyl chloride	2.0 70.4 49.9 9.0 17.2 3.21 1.1 0.003 1.0 0.26 0.26 0.26 0.05 0.0009 0.13 0.10 0.32 3.0 4 x 10 <sup>-8</sup> 4 x 10 <sup>-6</sup> 0.09 0.066 0.0079 0.0079 0.133 0.066	8.8 210.0 219.0 39.4 75.3 14.06 3.0 0.01 4.38 1.14 1.14 1.14 0.22 0.0039 0.57 0.44 1.4 13.14 2 x 10 <sup>-7</sup> 2 x 10 <sup>-5</sup> 0.394 0.289 0.035 0.035 0.583 0.289

## INVESTIGATION

 Permit No. HW-50212-001  
 Attachment E  
 Sheet 3 of 4

277008

 ATTACHMENT 5  
 PAGE 4 OF 5

EMISSION POINT NO. (1)	SOURCE NAME (2)	AIR CONTAMINANTS DATA	
		AIR CONTAMINANT NAME	EMISSION RATES* #/HR TPY
		Diphenylmethane diisocyanate	0.133 0.583
		Isopropyl mercaptan	0.024 0.104
		Isophorone Diisocyanate	0.133 0.583
		N-nitrosodiethanolamine	0.013 0.057
		N-nitrosodiethylamine	0.013 0.057
		Phosphine	0.166 0.727
D	Truck Wash Building and Tanks Fan Vent	PM (6)	Negligible
E	Absorber Cooling Tower Stacks	VOC (3)	0.031 0.133
F	Scrubber Sludge Clarifier Vent	VOC (3)	0.01 0.04
G	Ash Hopper Unloading Bldg (8)	PM (6)	0.0012 0.005
H	Ash Container Storage Area (8)	VOC (3) PM (6)	Negligible Negligible
I	Auxiliary Tank Emission Control System (**)	VOC (3) Hydrogen Sulfide	0.017 0.013 0.03 0.023
J	Incinerator Area Fugitives (8)	VOC (3)	0.38 1.66
	Boiler (1 of 2)	VOC (3) NOx (4) SOx (5) PM (6) CO (7)	0.02 0.09 1.97 8.63 3.18 13.9 0.18 0.79 0.45 1.97
	Boiler (2 of 2)	VOC (3) NOx (4) SOx (5) PM (6) CO (7)	0.02 0.09 1.97 8.63 3.18 13.9 0.18 0.79 0.45 1.97

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LONE STAR CHAPTER

# INVESTIGATION

277008

Permit No. HW-50212-001  
Attachment 2  
Sheet 4 of 4

ATTACHMENT 5  
PAGE 5 OF 5

EMISSION POINT NO. (1)	SOURCE NAME (2)	AIR CONTAMINANTS DATA	
		AIR CONTAMINANT NAME	EMISSION RATES* #/HR TPY
	Hydrochloric Acid Tank Vent (T-531)	Hydrogen Chloride	0.009 0.04
	Container Storage Building (8)	VOC (3)	Negligible Negligible

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name.
- (3) VOC = volatile organic compounds as defined in General Rule 101.1 but including methyl chloroform and Freon 113.
- (4) NOX = total oxides of nitrogen. (5) SOx = total oxides of sulfur.
- (6) PM = particulate matter. (7) CO = carbon monoxide.
- (8) Fugitive emissions are an estimate only and should not be considered as a maximum allowable emission rate.
- (9) PCB = polychlorinated biphenyls.
- \* Emission rates are based on a 8760 hr/year operating schedule.
- \*\* Emission rates are based on a 1560 hr/year operating schedule.
- \*\*\* Annual emission rates are based on the total mass feed to the incinerator.

**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**



**Attachment  
6  
Keith Sheedy E-mail**

**ONYX ENVIRONMENTAL SERVICES LLC**  
RN102559719  
Investigation Number 277008

Investigation Date - July 16, 2004



"Keith Sheedy" <KSHEEDY@tnrcc.state.tx.us> on 03/23/2001 08:53:20 AM

INVESTIGATION

277008

To: Dan Duncan/OnyxES@Onyx

cc: "Jeff Greif" <JGREIF@tnrcc.state.tx.us>, "Troy Dalton" <TDALTON@tnrcc.state.tx.us>

Fax to:

Subject: Re: PM10

ATTACHMENT 6  
PAGE 2 OF 2

Dan, when the U/M rules were changed back in 1997 (which is when the R0 system was adopted along with the new reporting/recordkeeping requirements concerning compound descriptive type of the individually listed compounds or mixture of air contaminants), there was a response to comments, which I think addresses your question. The agency stated: "The term 'compound descriptive' is used to ensure that overly simple type descriptions like VOC and PM are not used since they do not address the true chemical nature of the release." In another comment the agency stated: "The agency considered use of additional generic categories such as particulate matter, volatile organic compounds, alkanes, and alkenes. These categories are not included in the adoption to ensure that the agency will receive appropriate information on the chemical characteristics of the release. Particulate matter, volatile organic compounds, and alkene groups can include significantly hazardous constituents listed in CERCLA, EPCRA, and agency permits."

When you have a PM release, speciation of the release is required. If the release is composed of a single compound you should use the lowest R0 listed in §101.1(a)(2)(A)(i). If the release is a mixture of compounds, you will need to determine the exact chemical characteristics of the release, if the percentages of each compound making up the PM release are known, you can use §101.1(a)(2)(B)(i). If the amounts of each compound making up the PM release is not known, then you should use §101.1(a)(2)(B)(ii). If you have reviewed the chemical characteristics of the release, and none of the individual compounds making up the PM release are listed compounds per §101.1(a)(2)(A)(i), then you can use the 100 pound default provided in §101.1(a)(2)(A)(ii).

Please don't forget that there can be more than one R0 which is applicable to a release. Since the release could also have an opacity limit [i.e., §111.111(a)(1)] you will need to determine if the opacity R0 has been exceeded [§101.1(a)(2)(C)].

I hope this helps to answer your question. If you have any additional questions, don't hesitate to contact me either at the email address above, or by phone at (512) 299-1556.

Keith Sheedy  
Engineering Services Team

>>> "Dan Duncan" <dduncan@onyx.com> 03/22/01 10:36AM >>>

I attended TNRCC's Upset/Maintenance Emissions Workshop in Beaumont, TX on March 1. The information presented by the TNRCC was very thorough and well organized, and greatly improved my understanding of these regulations. That said, I do have one question: what is the R0 for PM(subscript: 10)? I have been using 100 pounds based on 30 TAC 101.1(A)(ii) which states "if not listed in clause (i) of this subparagraph, 100 pounds", however paragraph (A) applies to "individual air contaminant compounds" which doesn't seem to include particulate emissions since they can be comprised of many different compounds. Paragraph (B) addresses mixtures of air contaminant compounds, but doesn't readily yield a number since the exact composition of the particulate is uncertain and may vary in concentration. Should particulates apply only to opacity considerations in paragraph (C)? Thanks, Dan.

**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**



**Attachment  
7  
Reportable Emission Event**

**ONYX ENVIRONMENTAL SERVICES LLC**  
RN102559719  
Investigation Number 277008

Investigation Date - July 16, 2004

# **Texas Commission on Environmental Quality** **Reportable Event/Activity Notification/Reporting Form**

**INVESTIGATION**  
 277008  
**ATTACHMENT 7**  
**PAGE 2 OF 2**

Submittal Type	Initial Notification	<input checked="" type="checkbox"/>	Final Report	Agency Use Only	Incident #	03-07	Investigation #			
Name of Owner or Operator			Onyx Environmental Services, L.L.C.				RN/ Air Acct #	JE-0024-D		
Physical Location (how to get to location of release; may also include site name)						Hwy 73, 3.5 Miles W of Taylor Bayou, Port Arthur, Texas				
Process Unit or Area Common Name			Incinerator							
Facility Common Name (where air contaminants were generated)			TRV		Emission Point Common Name (where emissions were released to air)			TRV		
Facility Identification Number (FIN)			INCINERATE		Emission Point Number (EPN)			TRV		
This Event/ Activity Type (Indicate one)	Emissions Event	<input checked="" type="checkbox"/>	Sch. Maintenance			Sch. Startup	Sch. Shutdown		Excess Opacity Event	
	Date / Time Event Discovered or Scheduled Activity Start (e.g., 9/12/02 @ 13:21)		05	26	03	@	01	50	Event Duration (hh:mm:sec)	
			mm	dd	yy		hh	mm	hh	mm
List of Compound Descriptive Type(s) of individually Listed or Mixtures of Air Contaminant Compounds Released, including opacity (See the notification and reporting requirements under 30 TAC §§ 101.201 and 101.211 for detailed information related to how to report compounds and opacity. See also 30 TAC §101.1(84)). Use attachments if necessary to report additional contaminants.						Estimated Total Quantity for Air Contaminants for Emissions/ Opacity Value for Opacity	Units	Authorized Emissions Limit / Opacity Limit	Units	Authorization (rule or permit #)
HCL						247	Lbs	3.21	lbs/hr	HW-50212-001
PM						820	Lbs	9.0	lbs/hr	HW-50212-001
SO <sub>2</sub>						51	Lbs	49.9	lbs/hr	HW-50212-001
NO <sub>x</sub>						13.2	Lbs	70.4	lbs/hr	HW-50212-001
Cause of Emissions Event or Excess Opacity Event, or Reason for Scheduled Activity:										
Power delivery failure from Entergy caused cessation of induced draft fan, then automatic opening of thermal relief vent (TRV).										
Actions Taken, or Being Taken, to Minimize Emissions and/or Correct the Situation:										
All waste feeds to kiln and secondary combustion chamber were automatically cut-off at onset of power failure. Kiln rotation speed was reduced to reduce emissions.										
Basis Used to Determine Quantities and Any Additional Information Necessary to Evaluate the Event:										
March 20, 2000 Test Burn and associated emission and feed rates.										
Person Making Notification/ Date and Time			Dan Duncan/5-26-03@ 1:50 p.m.			Phone		409-736-4146		
Incident Contact Person			Daniel J Duncan			Phone/ E-mail		dduncan@onyxes.com		
Jurisdiction(s) Notified			*Recordable only, No RQ released							



**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**



**Attachment  
8  
Reportable Emission Event**

**ONYX ENVIRONMENTAL SERVICES LLC**  
RN102559719  
Investigation Number 277008

Investigation Date - July 16, 2004

# Texas Commission on Environmental Quality

## Reportable Event/Activity Notification/Reporting Form

INVESTIGATION  
277008

ATTACHMENT 8  
PAGE 2 OF 3

Submittal Type	Initial Notification	<input checked="" type="checkbox"/>	Final Report	<input type="checkbox"/>	Agency Use Only	Incident #	Investigation #
					03-09		
Name of Owner or Operator			Onyx Environmental Services, Inc.				RN/ Air Acct #
							JE-0024-D

Physical Location (how to get to location of release; may also include site name) Hwy 73, 3.5 miles west of Taylor Bayou, Port Arthur, Tx

Process Unit or Area Common Name Incinerator

Facility Common Name (where air contaminants were generated) Incinerator

Emission Point Common Name (where emissions were released to air) Thermal Relief Stack

Facility Identification Number (FIN) Incinerator

Emission Point Number (EPN) TRV

This Event/Activity Type (Indicate one)	Emissions Event	<input checked="" type="checkbox"/>	Sch. Maintenance	Sch. Startup	Sch. Shutdown	Excess Opacity Event
	Date / Time Event Discovered or Scheduled Activity Start (e.g., 9/12/02 @ 13:21)		07 08 03 mm dd yy	@	01 52 hh mm	1 6 hh mm sec
			Event Duration (hh:mm:sec)			

List of Compound Descriptive Type(s) of Individually Listed or Mixtures of Air Contaminant Compounds Released, including opacity (See the notification and reporting requirements under 30 TAC §§ 101.207 and 101.211 for detailed information related to how to report compounds and opacity. See also 30 TAC §101.1(84)). Use attachments if necessary to report additional contaminants.

Compound	Estimated Total Quantity for Air Contaminants for Emissions/ Opacity Value for Opacity	Units	Authorized Emissions Limit / Opacity Limit	Units	Authorization (rule or permit #)
PM	1,914	lbs	9.0	lbs/hr	HW-50212-001
NOx	14.5	lbs	70.4	lbs/hr	HW-50212-001
HCL	73.7	lbs	3.21	lbs/hr	HW-50212-001
SO <sub>2</sub>	30.6	lbs	49.9	lbs/hr	HW-50212-001

Cause of Emissions Event or Excess Opacity Event, or Reason for Scheduled Activity:

Power delivery failure from Entergy caused cessation of induced draft fan, then automatic opening of thermal relief vent (TRV)

Actions Taken, or Being Taken, to Minimize Emissions and/or Correct the Situation:

All waste feeds to kiln and secondary combustion chamber were automatically cut-off at onset of power failure. Kiln rotation speed was decreased to reduce emissions.

Basis Used to Determine Quantities and Any Additional Information Necessary to Evaluate the Event:

Person Making Notification/ Date and Time	Recordable Only	Phone	(409) 736-4146
Incident Contact Person	Daniel J. Duncan	Phone/ E-mail	dduncan@onyxes.com
Jurisdiction(s) Notified	N/A		

**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**



**Attachment  
9  
Reportable Emission Event**

**ONYX ENVIRONMENTAL SERVICES LLC**

**RN102559719**

**Investigation Number 277008**

**Investigation Date - July 16, 2004**

# Texas Commission on Environmental Quality

## Reportable Event/Activity Notification/Reporting Form

INVESTIGATION  
277008

ATTACHMENT 9  
PAGE 2 OF 3

Submittal Type	Initial Notification	<input checked="" type="checkbox"/>	Final Report	<input checked="" type="checkbox"/>	Agency Use Only →	Incident #	Investigation #
						03-11	
Name of Owner or Operator						RN/ Air Acct #	
ONYX Environmental Services, LLC						JE-0024-D	
Physical Location (how to get to location of release, may also include site name)						Hwy 73, 3.5 Miles W of Taylor Bayou, Port Arthur, Texas	
Process Unit or Area Common Name						Incinerator Feed System - Bulk Solids	
Facility Common Name (where air contaminants were generated)				Shredder and conveyor		Emission Point Common Name (where emissions were released to air)	
						Bldg. 5015	
Facility Identification Number (FIN)						Emission Point Number (EPN)	
This Event/ Activity Type (Indicate one)	Emissions Event	<input checked="" type="checkbox"/>		Sch. Maintenance			Sch. Shutdown
	Date / Time Event Discovered or Scheduled Activity Start (e.g., 9/12/02 @ 13:21)	10	10	03	@	03	08
		mm	dd	yy		hh	mm
						Event Duration (hh:mm:sec)	
						hh mm sec	
List of Compound Descriptive Type(s) of Individually Listed or Mixtures of Air Contaminant Compounds Released, including opacity (See the notification and reporting requirements under 30 TAC §§ 101.201 and 101.211 for detailed information related to how to report compounds and opacity. See also 30 TAC §101.1(84)). Use attachments if necessary to report additional contaminants.				Estimated Total Quantity for Air Contaminants for Emissions/ Opacity Value for Opacity		Units	Authorized Emissions Limit / Opacity Limit
Incident Occurred at Night				NOT Applicable			50 opacity
Carbon Monoxide				646		LBS	17.2 Lb/hr
Hydrochloric Acid				31		LBS	3.21 Lb/hr
Sulfur Dioxide				60		LBS	49.9 Lb/hr
Particulate Matter				300		LBS	9.0 Lb/hr
Cause of Emissions Event or Excess Opacity Event, or Reason for Scheduled Activity:							
Drum ignited while being processed in shear shredder resulting fire caused emissions release.							
Actions Taken, or Being Taken, to Minimize Emissions and/or Correct the Situation:							
Activated fire suppression system, extinguished fire, drum removed into stock.							
Basis Used to Determine Quantities and Any Additional Information Necessary to Evaluate the Event:							
See attached							
Person Making Notification/ Date and Time				Barrickville Only		Phone	
Incident Contact Person				Daniel J Duran		Phone/ E-mail	
Jurisdiction(s) Notified						409-736-4146	

Emissions Estimate for fire on 10/10/03 in 5014 and 5015						
						RA 5000
1- 55 gallon	Assume	Mols of	Pounds of	Assume	Assume	
drum burned	it was all	carbon	Carbon	50% CO	50% of CO	
in the	organic			50%CO2	was emitted	
Shredder	material				50% of CO	
Wt. Estimated	50% Carbon			poundsof CO	went into	
	50% H2				kiln	
	on a mol basis				poundsof CO	
					emitted	
600 lbs		46.1538462	553.84615	1292.307692	646.1538462	
Assume	Assume	PM				
5%CL	5% Sulfur	Assume				
Pounds	Pounds	50% was				
HCl	SO2	non-organic				
RA 5000	RA 500					
30.84507042		80	300lbs			

INVESTIGATION

277008

ATTACHMENT 9  
PAGE 3 OF 3

**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**



**Attachment  
10  
Reportable Emission Event**

**ONYX ENVIRONMENTAL SERVICES LLC**  
RN102559719  
Investigation Number 277008

Investigation Date - July 16, 2004

# Texas Commission on Environmental Quality

## Reportable Event/Activity Notification/Reporting Form

**INVESTIGATION**  
277008  
**ATTACHMENT 10**  
**PAGE 2 OF 3**  
JE002933

Submittal Type	Initial Notification	<input checked="" type="checkbox"/>	Final Report	<input type="checkbox"/>	Agency Use Only	Incident #	Investigation #
						03-12	
Name of Owner or Operator				Oxya Environmental Services			RN/ Air Acct #
Physical Location (how to get to location of release; may also include site name)				Hwy 73, 3.5 miles west Taylor Bayou			
Process Unit or Area Common Name				Incinerator			
Facility Common Name (where air contaminants were generated)				Incinerator		Emission Point Common Name (where emissions were released to air)	
						Thermal Relief Vent	
Facility Identification Number (FIN)				Incinerator		Emission Point Number (EPN)	
						TRV	
This Event/ Activity Type (Indicate one)	Emissions Event	<input checked="" type="checkbox"/>	Sch. Maintenance		Sch. Startup		Sch. Shutdown
	Date / Time Event Discovered or Scheduled Activity Start (e.g., 9/12/02 @ 13:21)		12	12	03	@	20 32
		mm	dd	yy		hh	mm
						Event Duration (hh:mm:sec)	
						50	
						hh mm sec	
List of Compound Descriptive Type(s) of Individually Listed or Mixtures of Air Contaminant Compounds Released, including opacity (See the notification and reporting requirements under 30 TAC §§ 101.201 and 101.211 for detailed information related to how to report compounds and opacity. See also 30 TAC §101.1(84)). Use attachments if necessary to report additional contaminants.				Estimated Total Quantity for Air Contaminants for Emissions/ Opacity Value for Opacity		Units	Authorized Emissions Limit / Opacity Limit
							Units
							Authorization (rule or permit #)
PM				485		lbs	9.0
HCL				205		lbs	17.2
SO <sub>2</sub>				42		lbs	3.21
NO <sub>x</sub>				11		lbs	70.4
Cause of Emissions Event or Excess Opacity Event, or Reason for Scheduled Activity:							
Power Failure From Entergy caused cessation of induced draft fan and automatic opening of Thermal relief vent (TRV).							
Actions Taken, or Being Taken, to Minimize Emissions and/or Correct the Situation:							
All waste feeds to Kiln and SCC were automatically cut-off at onset of power failure. Kiln rotation speed was reduced to limit emissions.							
Basis Used to Determine Quantities and Any Additional Information Necessary to Evaluate the Event:							
2000 test burn emissions and waste feed rates at time of power outage.							
Person Making Notification/ Date and Time				Recordable Only		Phone	
Incident Contact Person				Daniel S. Duncan		409.736.7176	
Jurisdiction(s) Notified				None		Phone/ E-mail	
						dduncan@em/tes.com	

**Onyx Environmental Services, LLC**  
**Port Arthur, TX**  
**Upset Emissions Worksheet**

Date of upset:

12/12/03  
**INVESTIGATION**  
 277006  
**ATTACHMENT 10**  
**PAGE 3 OF 3**

- Residence Time =  $\frac{(0.19)(60')}{(\text{rpm})(14' \text{ dia})(.01746)}$
- PM =  $\frac{(\text{Total solids/sludge feed rate (lbs/hr)} \times (.087) \times (\text{min TRV opened} < \text{residence time}))}{60 \text{ min/hr}}$
- HCL =  $\frac{(\text{minutes TRV opened} < \text{residence time}) \times 247 \text{ lbs}}{60 \text{ minutes}}$
- SO<sub>2</sub> =  $\frac{(\text{minutes TRV opened} < \text{residence time}) \times 51 \text{ lbs}}{60 \text{ minutes}}$
- NOX =  $\frac{(\text{minutes TRV opened} < \text{res time}) \times 11.5 \text{ lbs}}{60 \text{ minutes}} + .029 \text{ lbs} \times (\text{min TRV opened})$

**Calculations**

Residence Time:  $\frac{11.4}{(.5)(14)(.01746)} = \frac{11.4}{.122} = 93 \text{ minutes}$

PM:  $3600 + 2100 + 1000 = 6700 \frac{(.087)(50)}{60} = 485 \text{ lbs}$

HCL:  $\frac{50 \times 247}{60} = 205$

SO<sub>2</sub>:  $\frac{50 \times 51}{60} = 42.5$

NO<sub>x</sub>:  $\frac{50 \times 11.5}{60} + .029(50) = 9.5 + 1.45 = 10.9$

Completed By: DDDate: 12-12-03



**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**



**Attachment  
11  
Reportable Emission Event**

**ONYX ENVIRONMENTAL SERVICES LLC**

**RN102559719**

**Investigation Number 277008**

**Investigation Date - July 16, 2004**

# Texas Commission on Environmental Quality Reportable Event/Activity Notification/Reporting Form

277008

ATTACHMENT 11  
PAGE 2 OF 4  
JE 002410

Submittal Type	Initial Notification	Final Report	Agency Use Only <input checked="" type="checkbox"/>	Incident # 04-01	Investigation #
Name of Owner or Operator			Onyx Environmental Services, LLC		
Physical Location (how to get to location of release; may also include site name)			Hwy T3, 3.5 miles west Tynjuss Bayou		
Process Unit or Area Common Name			Incinerator		
Facility Common Name (where air contaminants were generated)			Incinerator		Emission Point Common Name (where emissions were released to air) Thermal Relief Vent
Facility Identification Number (FIN)			Incinerator		Emission Point Number (EPN) TRY
This Event/Activity Type (Indicate one)	Emissions Event <input checked="" type="checkbox"/>	Sch. Maintenance	Sch. Startup	Sch. Shutdown	Excess Opacity Event
	Date / Time Event Discovered or Scheduled Activity Start (e.g., 9/12/02 @ 13:21)	03 10 04 mm dd yy	@	05 50 hh mm	Event Duration (hh:mm:sec) 0 41 0 hh mm sec
List of Compound Descriptive Type(s) of Individually Listed or Mixtures of Air Contaminant Compounds Released, including opacity (See the notification and reporting requirements under 30 TAC §§ 101.201 and 101.211 for detailed information related to how to report compounds and opacity. See also 30 TAC §101.1(84)). Use attachments if necessary to report additional contaminants.			Estimated Total Quantity for Air Contaminants for Emissions/ Opacity Value for Opacity	Units	Authorized Emissions Limit / Opacity Limit
HCL			169	lbs	3.21 125/hrs HW-50212-001
SO <sub>2</sub>			35	lbs	49.9 125/hrs "
NO <sub>x</sub>			9	lbs	70.4 125/hrs "
PM			780	lbs	9.0 125/hrs "
Cause of Emissions Event or Excess Opacity Event, or Reason for Scheduled Activity:					
Friable ash and slag fell from the top of the quench to the bottom causing the quench recirculation pumps to shut down which in turn caused the temperature to increase to a point that triggered the automatic opening of the TRV, thus releasing emissions.					
Actions Taken, or Being Taken, to Minimize Emissions and/or Correct the Situation:					
All waste feeds to the Kiln and SC were automatically cut off. Kiln rotation speed was decreased to minimize mixing and reduce emissions.					
Basis Used to Determine Quantities and Any Additional Information Necessary to Evaluate the Event:					
2000 Test burn emissions and waste feed rates at time of event.					
Person Making Notification/ Date and Time			Recordable	Phone	409.736.4196
Incident Contact Person			Daniel S. Adenian	Phone/ E-mail	dadenian@onyxex.com
Jurisdiction(s) Notified			None		

Onyx Environmental Services, LLC  
Port Arthur, TX  
Upset Emissions Worksheet

INVESTIGATION  
277008  
ATTACHMENT 11  
PAGE 3 OF 4

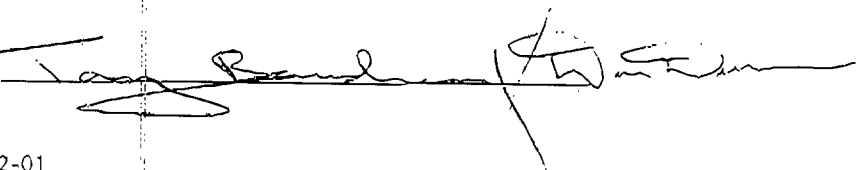
Date:	3-10-04
Time TRV opened:	0550
Time TRV closed:	0631
Kiln rotation speed (rpm) <sup>1</sup> :	<del>0.57</del> 0.57
Bulk solids feed rate (lbs/hr) <sup>2</sup> :	10600
Sludge energetic feed rate (lbs/hr) <sup>2</sup> :	0
Sludge non-energetic feed rate (lbs/hr) <sup>2</sup> :	1250
Container feed rate (lbs/hr) <sup>2</sup> :	1273
Burn Plan Number:	19304
K-Mix number:	6364
Non Eng. Sludge Blend Number: PKSN	PKSN1471
Eng. Sludge Blend Number: PKSE	N/A
Cause of upset:	Excessive ash/slag fell into bottom of quench tower causing quench recirculation pump to shut down, resulting in temp control TRV to open.

<sup>1</sup> - Slow kiln speed to minimum rpm after upset to minimize particulate emissions

<sup>2</sup> ~ Average solid/sludge feed rate during hour before the upset

An initial report must be submitted to the TNRCC within 24 hours of the upset. After completing this form, contact Dan Duncan or Mona Rountree as soon as possible. Dan or Mona will calculate the type and amount of emissions released and submit the report to the TNRCC.

	Work	Home	Beeper
Dan Duncan	(409) 736-4146	(409) 861-4190	(800) 913-5238
Mona Rountree	(409) 736-4122	(409) 724-1402 (409) 721-5487	(409) 841-5465

Completed by:  3/10/04

**Onyx Environmental Services, LLC**  
**Port Arthur, TX**  
**Upset Emissions Worksheet**

Date of upset:

3-10-24

- Residence Time =  $\frac{(0.19)(60')}{(\text{rpm})(14' \text{ dia})(.01746)} = \frac{(.19)(60)}{(.57)(14)(.01746)} = \frac{11.4}{.14} = 81 \text{ min}$
- PM =  $\frac{(\text{Total solids/sludge feed rate (lbs/hr)} \times (.087) \times (\text{min TRV opened} < \text{res time}))}{60 \text{ min/hr}}$
- HCL =  $\frac{(\text{minutes TRV opened} < \text{residence time}) \times 247 \text{ lbs}}{60 \text{ minutes}}$
- SO<sub>2</sub> =  $\frac{(\text{minutes TRV opened} < \text{residence time}) \times 51 \text{ lbs}}{60 \text{ minutes}}$
- NOX =  $\frac{(\text{minutes TRV opened} < \text{res time}) \times 11.5 \text{ lbs}}{60 \text{ minutes}} + .029 \text{ lbs} \times (\text{min TRV opened})$

INVESTIGATION

277008

ATTACHMENT 11  
PAGE 4 OF 4CalculationsResidence Time: 81 min

$$\text{PM: } \frac{13,123 \times .087 \times 41}{60} = 780 \text{ lbs}$$

$$\text{HCL: } \frac{41 \times 247}{60} = 169 \text{ HCL}$$

$$\text{SO}_2: \frac{41 \times 51}{60} = 35 \text{ SO}_2$$

$$\text{NO}_x: \frac{41 \times 11.5}{60} + .029 \times 41 = 7.85 + 1.2 = 9.05$$

Completed By: DDDate: 3-10-24

**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**



**Attachment  
12  
Potential Violations Form**

**ONYX ENVIRONMENTAL SERVICES LLC**

**RN102559719**

**Investigation Number 277008**

**Investigation Date - July 16, 2004**



## INVESTIGATION

277008

ATTACHMENT 12  
PAGE 3 OF 4~~10-21-2002~~ → ~~4-21-2003~~

11-9-02	122.143 (4) 382.085(b)	22 minute exceed CO permit limit HW-S0212-001 Attach E
1-29-03	122.143 (4) 382.085(b)	7 minute & 5 minute exceed CO permit limit HW S0212-001 Attach E
10-21-02	117.213 (i) 122.143 (4) 382.085(b)	Hours of operation of Deepwell Emergency Generator not maintain for one month
5-26-03 PF.	122.143 (4) 382.085(b) 101.201(a)(1)(B)	Exceed HCL, PM permit limits for 66 minutes HW S0212-001 Attach E EE
7-8-03 PF.	122.143 (4) 382.085 (b) 101.201(a)(1)(B)	Exceed HCL, PM permit limits 66 minutes HW S0212-001 Attach E - EE
0-10-03.	122.143 (4) 382.085 (b) 101.201(a)(1)(B)	Exceed CO, PM, SO <sub>2</sub> , HCL - permit limit HW S0212-001 Attach E Smelter EE
1-18-03	122.143 (4) 382.085(b)	35 mins exceed CO Limit HW S0212-001 Attach E

## INVESTIGATION

277008

ATTACHMENT 12  
PAGE 4 OF 4

11-15-03	122.143(4) 382.085(b)	Exceed Permit Limit for CO, 57 mins HW-50212-001 Attach E
12-29-03	122.143(4) 382.085(b)	Exceed permit Limit 10 minutes HW-50212-001 Attach E
12-12-03 PF.	122.143(4) 382.085(b) 101.201(a)(1)(B)	Exceed Permit Limit 50 minutes HW-50212-001 Attach E Rec. EG
3-10-04	122.143(4) 382.085(b) 101.201(a)(1)(B)	Exceed <del>SO</del> , PM, HCL permit Limit HW-50212-001 Attach E 41 minutes recorder EG