

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1893-AIR-E TCEQ ID: RN100238708 CASE NO.: 31571
RESPONDENT NAME: INEOS USA LLC

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Chocolate Bayou Plant, 2 miles south of Junction 2917 on Farm-to-Market Road 2004, Alvin, Brazoria County

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Section III, MC R-13, (210) 403-4006; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Mr. Michael Hutto, Houston Regional Office, MC R-12, (713) 767-3731

Respondent: Mr. Michael McCabe, Environmental Engineer, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512-1488

Mr. John Harvey III, Plant Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512-1488

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 5, 2006</p> <p>Date of NOE Relating to this Case: October 17, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions. Specifically, 1,728 pounds of the highly reactive volatile organic compound ethylene were released from the Ethylene Treater Inlet Valve in the Olefins 1 Unit during an emissions event that occurred on August 22, 2006 and lasted 15 minutes. These emissions are not authorized by the permit. Since the emissions event was avoidable, INEOS USA LLC failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 95, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$4,450</p> <p>Total Deferred: \$890 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,560</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that INEOS USA isolated the ethylene treater to stop the leak and repaired the valve. On September 25, 2006, INEOS USA submitted a response letter stating that only off-site vendors or INEOS USA maintenance employees who are familiar with and specialized in these types of repairs will be utilized and the on-site maintenance contractor will no longer be used.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

DATES	Assigned	23-Oct-2006
	PCW	27-Oct-2006
	Screening	30-Oct-2006
	EPA Due	14-Jul-2007

RESPONDENT/FACILITY INFORMATION	
Respondent	INEOS USA LLC
Reg. Ent. Ref. No.	RN100238708
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	31571	No. of Violations	1
Docket No.	2006-1893-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 103% Enhancement **Subtotals 2, 3, & 7 \$2,575**

Notes: Penalty enhancement due to 6 NOVs with similar violations, 11 NOVs with non-similar violations (which includes 3 self-reported effluent violations), and 3 agreed orders containing denial of liability. Penalty reduction due to 7 notice of audit letters submitted and 1 disclosure of violations.

Culpability 0% Enhancement **Subtotal 4 \$0**

Notes: The Respondent does not meet culpability criteria.

Good Faith Effort to Comply 25% Reduction **Subtotal 5 -\$625**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with a small x)

Notes: The Respondent completed corrective actions on September 25, 2006.

Economic Benefit 0% Enhancement* **Subtotal 6 \$0**

Total EB Amounts	\$0	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$100	

SUM OF SUBTOTALS 1-7 Final Subtotal **\$4,450**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount \$4,450

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$4,450**

DEFERRAL 20% Reduction **Adjustment -\$890**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: A deferral is offered for expedited settlement.

PAYABLE PENALTY **\$3,560**

Screening Date 30-Oct-2006 **Docket No.** 2006-1893-AIR-E **PCW**
Respondent INEOS USA LLC *Policy Revision 2 (September 2002)*
Case ID No. 31571 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100238708
Media [Statute] Air Quality
Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	6	30%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
Other	<i>Please Enter Yes or No</i>		
	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 103%

>> **Repeat Violator (Subtotal 3)**

No <

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer <

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes Penalty enhancement due to 6 NOVs with similar violations, 11 NOVs with non-similar violations (which includes 3 self-reported effluent violations), and 3 agreed orders containing denial of liability. Penalty reduction due to 7 notice of audit letters submitted and 1 disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 103%

Screening Date 30-Oct-2006

Docket No. 2006-1893-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 31571

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100238708

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Flexible Permit No. 95, Special Condition 1

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 1,728 pounds of the highly reactive volatile organic compound ethylene were released from the Ethylene Treater Inlet Valve in the Olefins 1 Unit during an emissions event that occurred on August 22, 2006 and lasted 15 minutes. These emissions are not authorized by the permit. Since the emissions event was avoidable, INEOS USA LLC failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent INEOS USA LLC
 Case ID No. 31571
 Reg. Ent. Reference No. RN100238708
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	22-Aug-2006	25-Sep-2006	0.1	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to train maintenance technicians to properly tighten specialty valves. Date required based on the date of the emissions event. Final date based on the date of corrective action completion.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN603056748	INEOS USA LLC	Classification: AVERAGE	Rating: 0.83
Regulated Entity:	RN100238708	CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 1.36
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		BL0002S
	AIR OPERATING PERMITS	PERMIT		1353
	AIR OPERATING PERMITS	PERMIT		2327
	WASTEWATER	PERMIT		WQ0001333000
	WASTEWATER	PERMIT		TPDES0004821
	WASTEWATER	PERMIT		TX0004821
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		12999
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		0200132
	UNDERGROUND INJECTION CONTROL	PERMIT		5D0400007
	AIR NEW SOURCE PERMITS	PERMIT		53419
	AIR NEW SOURCE PERMITS	PERMIT		95
	AIR NEW SOURCE PERMITS	PERMIT		101
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		BL0002S
	AIR NEW SOURCE PERMITS	AFS NUM		0014
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX854
	AIR NEW SOURCE PERMITS	PERMIT		488A
	AIR NEW SOURCE PERMITS	PERMIT		489
	AIR NEW SOURCE PERMITS	PERMIT		491A
	AIR NEW SOURCE PERMITS	PERMIT		1041
	AIR NEW SOURCE PERMITS	PERMIT		1611
	AIR NEW SOURCE PERMITS	PERMIT		2798
	AIR NEW SOURCE PERMITS	PERMIT		2866C
	AIR NEW SOURCE PERMITS	PERMIT		4882
	AIR NEW SOURCE PERMITS	PERMIT		5419
	AIR NEW SOURCE PERMITS	PERMIT		7196
	AIR NEW SOURCE PERMITS	PERMIT		9517
	AIR NEW SOURCE PERMITS	PERMIT		19868
	AIR NEW SOURCE PERMITS	PERMIT		35735
	AIR NEW SOURCE PERMITS	PERMIT		46192
	AIR NEW SOURCE PERMITS	PERMIT		48637
	AIR NEW SOURCE PERMITS	PERMIT		PSDTX983
	AIR NEW SOURCE PERMITS	REGISTRATION		75608
	AIR NEW SOURCE PERMITS	REGISTRATION		75399
	AIR NEW SOURCE PERMITS	REGISTRATION		12953
	AIR NEW SOURCE PERMITS	REGISTRATION		53419
	AIR NEW SOURCE PERMITS	REGISTRATION		10465
	AIR NEW SOURCE PERMITS	REGISTRATION		10906
	AIR NEW SOURCE PERMITS	REGISTRATION		11060
	AIR NEW SOURCE PERMITS	REGISTRATION		11539
	AIR NEW SOURCE PERMITS	REGISTRATION		12136
	AIR NEW SOURCE PERMITS	REGISTRATION		12709
	AIR NEW SOURCE PERMITS	REGISTRATION		71820
	AIR NEW SOURCE PERMITS	PERMIT		P983
	AIR NEW SOURCE PERMITS	PERMIT		73038
	AIR NEW SOURCE PERMITS	REGISTRATION		74968
	AIR NEW SOURCE PERMITS	REGISTRATION		76394
	AIR NEW SOURCE PERMITS	REGISTRATION		76401
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX642
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX854
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX793
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX983
	AIR NEW SOURCE PERMITS	REGISTRATION		76826
	AIR NEW SOURCE PERMITS	REGISTRATION		78483
	AIR NEW SOURCE PERMITS	REGISTRATION		78501
	WATER LICENSING	LICENSE		0200132
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD050309012
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30042
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50121
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	EPA ID		TXD050309012
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		50121

STORAGE
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # 30042
(SWR)
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50121
COMPLIANCE PLANS
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50121
POST CLOSURE

Location: FM 2004, ALVIN, TX, 77512 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: October 30, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 24, 2001 to October 24, 2006
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? INEOS USA LLC
4. If Yes, who was/were the prior owner(s)? BP Amoco Chemical Company
5. When did the change(s) in ownership occur? 4/25/2005

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/28/2004 ADMINORDER 2004-0036-PST-E
Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.346(a)
30 TAC Chapter 334, SubChapter A 334.8(c)(4)(A)(vii)

Description: Failure to ensure the timely renewal of a previously issued UST delivery certificate.
Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.3467(a)
30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)

Description: Failure to make available to a common carrier a valid and current TCEQ delivery certificate before accepting the delivery of a regulated substance into the UST system.

Effective Date: 08/28/2006 ADMINORDER 2006-0242-AIR-E
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit #92/PSD-TX-854, S.C.#1 PA
Description: Failed to prevent unauthorized emissions during a April 14, 2005 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit #95/PSD-TX-854, S.C.#1 PA
Description: Failed to prevent unauthorized emissions during a May 29, 2005 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit #95/PSD-TX-854, S.C.#1 PA
Description: Failed to prevent unauthorized emissions during a July 5, 2005 emissions event.

Effective Date: 08/30/2004 ADMINORDER 2003-1280-AIR-E
Classification: Major

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Exceeded the volatile organic carbon maximum allowable emission rate for Flare DM-1101 on March 17, 2003. (Note mistake in order should be "compound" not "carbon")

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	07/25/2002	(157610)
2	08/16/2002	(8300)
3	07/21/2003	(157611)
4	09/19/2002	(5424)
5	08/27/2002	(9360)
6	08/23/2002	(157614)
7	05/21/2004	(60492)
8	01/24/2003	(19428)
9	08/19/2003	(295179)
10	08/30/2005	(418277)
11	02/24/2006	(450737)
12	06/28/2004	(272032)
13	12/13/2004	(338522)
14	12/20/2004	(342723)
15	09/23/2002	(157617)
16	07/05/2004	(278334)
17	11/06/2001	(135791)
18	02/28/2006	(437776)
19	05/10/2006	(451219)
20	11/19/2001	(135792)
21	05/04/2006	(462911)
22	11/19/2001	(135793)
23	09/15/2003	(295181)
24	07/06/2006	(485562)
25	06/29/2003	(34948)
26	11/26/2001	(135794)
27	11/01/2001	(157619)
28	12/28/2004	(288451)
29	11/28/2001	(135795)
30	05/24/2002	(1619)
31	11/29/2001	(135796)
32	06/13/2002	(2409)
33	05/12/2003	(28018)
34	08/30/2004	(250202)
35	10/21/2002	(157620)
36	11/29/2001	(135797)
37	08/18/2004	(284687)
38	02/27/2006	(449481)
39	11/30/2001	(135798)
40	08/24/2005	(404609)
41	02/27/2006	(450755)
42	12/11/2004	(335356)
43	03/28/2003	(27751)
44	12/03/2001	(135799)
45	08/16/2002	(7788)
46	07/10/2003	(45940)
47	06/13/2002	(2408)
48	12/27/2001	(135800)
49	01/26/2006	(437342)
50	01/07/2005	(341099)
51	01/23/2002	(135801)
52	05/20/2005	(392949)
53	10/20/2003	(295183)

54 02/01/2002 (135802)
55 11/03/2005 (431679)
56 11/26/2001 (157623)
57 02/08/2002 (135803)
58 02/27/2006 (440360)
59 01/28/2004 (257699)
60 02/11/2002 (135804)
61 08/26/2002 (9371)
62 11/25/2002 (157624)
63 02/11/2002 (135805)
64 02/26/2002 (135806)
65 04/25/2003 (33704)
66 11/21/2003 (295184)
67 02/26/2002 (135807)
68 01/06/2005 (337406)
69 10/10/2005 (432962)
70 02/27/2002 (135808)
71 11/08/2004 (336528)
72 11/18/2003 (255236)
73 03/06/2002 (135809)
74 07/15/2005 (399321)
75 07/07/2006 (483977)
76 03/07/2002 (135810)
77 09/17/2003 (248915)
78 04/22/2005 (419633)
79 03/14/2002 (135811)
80 12/15/2003 (295185)
81 02/24/2006 (450766)
82 03/14/2002 (135812)
83 05/19/2005 (419634)
84 09/21/2005 (431548)
85 12/27/2001 (157627)
86 02/07/2003 (22862)
87 03/21/2002 (135813)
88 11/14/2003 (295186)
89 06/20/2005 (419635)
90 02/16/2006 (436530)
91 03/29/2002 (135814)
92 07/25/2002 (5865)
93 12/27/2002 (157628)
94 04/02/2002 (135815)
95 04/17/2002 (135816)
96 06/15/2004 (272258)
97 04/29/2002 (135817)
98 07/13/2005 (440766)
99 04/29/2002 (135818)
100 05/09/2002 (135819)
101 08/19/2005 (440767)
102 09/16/2005 (440768)
103 12/11/2004 (341906)
104 04/24/2006 (460197)
105 01/23/2002 (157631)
106 05/10/2002 (135820)
107 08/12/2002 (6396)
108 07/15/2004 (351989)
109 10/13/2005 (440769)
110 05/10/2002 (135821)
111 01/10/2005 (286887)
112 03/11/2003 (26612)
113 01/24/2003 (157632)
114 10/10/2006 (514525)
115 05/17/2006 (462063)
116 05/10/2002 (135822)
117 10/13/2005 (440770)
118 03/20/2006 (454984)
119 05/14/2002 (135823)
120 09/01/2006 (489158)

121	05/14/2002	(135824)
122	01/26/2006	(438227)
123	11/20/2003	(255571)
124	05/16/2002	(135825)
125	08/16/2004	(351990)
126	05/16/2002	(135826)
127	09/22/2003	(150004)
128	12/16/2004	(341903)
129	02/28/2006	(333721)
130	04/14/2003	(31828)
131	05/16/2002	(135827)
132	12/28/2004	(287065)
133	08/31/2004	(277083)
134	05/16/2002	(135828)
135	12/13/2004	(336245)
136	05/16/2002	(135829)
137	05/16/2002	(135830)
138	09/23/2004	(351991)
139	07/10/2003	(45285)
140	05/19/2006	(453213)
141	08/06/2002	(6980)
142	02/28/2006	(435662)
143	05/18/2002	(135831)
144	12/23/2002	(14911)
145	05/18/2002	(135832)
146	02/24/2006	(438700)
147	04/24/2006	(460166)
148	05/28/2002	(135833)
149	05/30/2002	(135834)
150	09/08/2005	(337658)
151	10/22/2004	(351992)
152	05/30/2002	(135835)
153	06/10/2002	(135836)
154	11/18/2002	(13920)
155	09/01/2006	(488482)
156	01/03/2003	(16037)
157	06/12/2002	(135837)
158	03/20/2006	(438702)
159	07/24/2002	(135838)
160	08/23/2002	(4068)
161	12/15/2004	(337091)
162	11/23/2004	(351993)
163	12/05/2005	(397651)
164	03/11/2003	(21022)
165	06/19/2003	(40960)
166	10/17/2003	(248985)
167	08/05/2004	(287465)
168	07/27/2006	(465816)
169	08/18/2005	(404361)
170	01/09/2003	(13376)
171	03/12/2003	(25569)
172	07/10/2003	(43553)
173	09/13/2004	(293314)
174	02/24/2006	(450771)
175	09/08/2005	(375408)
176	03/17/2006	(498116)
177	01/17/2005	(286916)
178	04/21/2006	(498117)
179	03/20/2006	(454973)
180	02/22/2005	(381802)
181	12/13/2004	(333505)
182	05/09/2006	(453215)
183	05/16/2006	(498118)
184	03/21/2005	(381803)
185	06/19/2006	(498119)
186	06/11/2003	(17426)
187	05/18/2005	(374942)

188 08/04/2003 (144302)
189 08/29/2005 (407005)
190 04/19/2006 (449649)
191 12/22/2004 (381804)
192 02/04/2005 (338314)
193 07/17/2006 (498120)
194 09/01/2006 (488416)
195 01/20/2005 (381805)
196 07/05/2004 (272798)
197 08/10/2005 (404141)
198 01/03/2002 (246526)
199 07/30/2003 (114223)
200 08/09/2006 (375409)
201 09/08/2005 (372077)
202 09/17/2003 (248837)
203 04/24/2006 (459777)
204 01/12/2006 (451532)
205 01/07/2005 (343281)
206 02/19/2003 (23138)
207 07/07/2006 (484327)
208 07/09/2004 (272455)
209 02/15/2006 (468321)
210 10/10/2006 (511470)
211 11/08/2004 (337000)
212 12/20/2005 (468322)
213 07/13/2004 (274532)
214 02/22/2002 (157590)
215 09/01/2006 (488185)
216 02/24/2006 (454384)
217 11/18/2005 (468323)
218 09/01/2006 (488461)
219 12/20/2005 (468324)
220 09/01/2006 (488316)
221 04/26/2005 (372080)
222 02/20/2003 (157591)
223 07/07/2006 (483768)
224 07/31/2002 (3028)
225 08/16/2002 (7757)
226 01/07/2005 (288575)
227 03/18/2002 (157593)
228 10/04/2004 (336250)
229 03/24/2003 (157594)
230 05/15/2006 (454640)
231 12/28/2004 (277182)
232 01/05/2005 (287246)
233 02/18/2003 (23956)
234 07/05/2004 (278078)
235 02/13/2004 (295169)
236 09/01/2006 (488258)
237 01/27/2006 (451469)
238 09/01/2006 (497259)
239 01/12/2004 (253433)
240 07/21/2006 (484894)
241 05/12/2003 (28024)
242 03/22/2003 (295171)
243 04/18/2002 (157598)
244 11/14/2003 (252631)
245 07/21/2006 (485159)
246 08/16/2002 (6072)
247 01/12/2006 (451560)
248 04/17/2003 (157599)
249 04/22/2004 (295172)
250 08/31/2004 (272440)
251 11/25/2002 (17129)
252 07/19/2004 (274762)
253 06/30/2006 (482249)
254 08/13/2005 (404828)

255 05/17/2002 (157602)
 256 01/26/2006 (437271)
 257 01/07/2005 (287050)
 258 09/01/2006 (488259)
 259 02/28/2006 (450758)
 260 05/22/2003 (157603)
 261 05/12/2004 (295174)
 262 12/13/2004 (337068)
 263 06/17/2004 (295176)
 264 10/17/2006 (515418)
 265 06/24/2002 (157606)
 266 12/11/2004 (335371)
 267 03/28/2003 (23681)
 268 08/28/2003 (152166)
 269 06/24/2003 (157607)
 270 04/28/2006 (453217)
 271 12/17/2004 (337094)
 272 07/05/2004 (272521)
 273 08/24/2005 (406770)

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

Date: 08/31/2005 (440768)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2003 (23681)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(c)(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: The maintenance event and resulting unauthorized emissions were the result of human error during previous periodic maintenance. The ME emissions could have been prevented by proper planning.
 Date: 08/12/2003 (114223)
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Avoidable emissions event
 Date: 10/31/2002 (157624)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/30/2004 (250202)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA IA
 Description: Failure to comply with Special Condition No. 11A of TCEQ Permit No. 35735.
 Date: 05/09/2002 (135819)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: VIOL OF TNRCC FLEX 30
 Date: 04/28/2006 (453217)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 19868 for the Flare.
 Date: 12/28/2004 (288451)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
 Rqmt Prov: PA IA
 Description: Failure to meet demonstration criteria.
 Date: 08/23/2002 (4068)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Violation of 30 Tex. Admin. Code 116.115(c), category B13.
 Date: 12/05/2005 (397651)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to seal three open ended lines.
 Date: 01/03/2002 (246526)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 09/23/2002 (5424)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 TEXAS HEALTH AND SAFETY CODE 382,085
 Description: Violation of Tex. Admin. Code 116.115(c) which requires the holders of the permit to comply with all conditions of the permit.
 Date: 01/31/2002 (157590)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/15/2005 (399321)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 Rqmt Prov: PA IA
 Description: Failure to plug the open-ended lines.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

Rqmt Prov: PA IA
 Description: Failure to maintain net heating value of flare header to a minimum value of 300 Btu/Scf.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
 Description: Failure to comply with 30 TAC 117.206(i) by operating the emergency generator between the hours of 6:00 AM and Noon.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.136(b)
 Description: Failure to include PP-1 powder baghouse and vent CM-1307 in the title V permit within 60 days upon discovery.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)
Description: Failure to conduct extraordinary attempts to repair leaking valves within seven days.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)

Rqmt Prov: PA IA
Description: Failure to avoid visible emissions from flare for more than five minutes in any two hour period.
Date: 09/22/2003 (150004)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
Description: Failed to maintain flame at all times on flare GM-1401.
Date: 01/05/2005 (287246)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA IA
Description: Exceeded permit limit during an avoidable emissions event.
Date: 06/13/2005 (418277)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA
Description: Failure to comply with chlorine residual limits for the discharge from the domestic sewage facility.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to analyze chlorine residual samples within hold time.

F. Environmental audits.

Notice of Intent Date: 02/12/2004 (263978)
No DOV Associated

Notice of Intent Date: 02/12/2004 (263986)
No DOV Associated

Notice of Intent Date: 02/19/2004 (265125)
No DOV Associated

Notice of Intent Date: 11/06/2002 (29712)
No DOV Associated

Notice of Intent Date: 07/15/2002 (32992)
Disclosure Date: 01/24/2003

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter A 331.10(a)[G]

Description: Failure to submit an inventory of wells authorized by rule.

Notice of Intent Date: 11/06/2002 (33106)
No DOV Associated

Notice of Intent Date: 09/08/2005 (435727)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INEOS USA LLC
RN100238708**

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

AGREED ORDER DOCKET NO. 2006-1893-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INEOS USA LLC ("INEOS USA") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and INEOS USA appear before the Commission and together stipulate that:

1. INEOS USA owns and operates a chemical manufacturing plant 2 miles south of Junction 2917 on Farm-to-Market Road 2004 in Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and INEOS USA agree that the Commission has jurisdiction to enter this Agreed Order, and that INEOS USA is subject to the Commission's jurisdiction.
4. INEOS USA received notice of the violations alleged in Section II ("Allegations") on or about October 22, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by INEOS USA of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Four Hundred Fifty Dollars (\$4,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). INEOS USA has paid Three Thousand Five Hundred Sixty Dollars (\$3,560) of the administrative penalty and Eight Hundred Ninety Dollars (\$890) is deferred contingent upon INEOS USA's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If INEOS USA fails to timely and

THE STATE OF TEXAS, COUNTY OF DALLAS.

I, the undersigned, a Notary Public in and for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of my office.

Witness my hand and seal this _____ day of _____, 19____.	Notary Public in and for the State of Texas.
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NOTARY PUBLIC

My commission expires _____, 19____.

"I, the undersigned, a Notary Public in and for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of my office."

Witness my hand and seal this _____ day of _____, 19____.

Notary Public in and for the State of Texas.

My commission expires _____, 19____.

NOTARY PUBLIC

satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require INEOS USA to pay all or part of the deferred penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and INEOS USA have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that INEOS USA isolated the ethylene treater to stop the leak and repaired the valve. On September 25, 2006, INEOS USA submitted a response letter stating that only off-site vendors or INEOS USA maintenance employees who are familiar with and specialized in these types of repairs will be utilized and the on-site maintenance contractor will no longer be used.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that INEOS USA has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, INEOS USA is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 95, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 5, 2006. Specifically, 1,728 pounds of the highly reactive volatile organic compound ethylene were released from the Ethylene Treater Inlet Valve in the Olefins 1 Unit during an emissions event that occurred on August 22, 2006 and lasted 15 minutes. These emissions are not authorized by the permit. Since the emissions event was avoidable, INEOS USA LLC failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

INEOS USA generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that INEOS USA pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and INEOS USA's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS USA LLC, Docket No. 2006-1893-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon INEOS USA. INEOS USA is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against INEOS USA in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to INEOS USA, or three days after the date on which the Commission mails notice of the Order to INEOS USA, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Section 1: Introduction

The first part of the document discusses the importance of maintaining accurate records. It highlights the need for consistency and the potential consequences of errors. The text emphasizes that proper record-keeping is essential for the integrity of the data and the reliability of the results.

Next, the document outlines the methodology used in the study. It describes the experimental setup, the data collection process, and the statistical methods employed. The goal is to provide a clear and detailed account of how the data was gathered and analyzed.

The results of the study are presented in the following section. The data shows a clear trend, indicating that the variables studied are significantly related. The findings are supported by statistical analysis, which shows a strong correlation between the variables.

Finally, the document concludes with a summary of the findings and their implications. It suggests that the results have important implications for the field of study and provides recommendations for further research. The overall conclusion is that the study has provided valuable insights into the relationship between the variables.

The data collected during the study is as follows:

Variable 1	Variable 2
1.2	3.5
2.1	4.2
3.0	5.1
4.5	6.0
5.8	7.2

The above table shows the relationship between the two variables. The data points indicate a positive correlation, where an increase in Variable 1 is associated with an increase in Variable 2. This relationship is statistically significant, as indicated by the p-value.

In conclusion, the study has demonstrated a clear and significant relationship between the variables. The findings are consistent with the hypothesis and provide a solid foundation for further research in this area. The methodology used was rigorous and the results are reliable.

The data is available for review and the results are open to scrutiny. It is hoped that this study will contribute to the understanding of the phenomenon being studied and lead to further advancements in the field.

Thank you for your attention and interest in this study. We appreciate your feedback and look forward to future collaborations.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/5/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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



Signature

12/05/06

Date

John Harvey III

Name (Printed or typed)
Authorized Representative of
INEOS USA LLC

Plant Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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