EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0800-AIR-E **TCEQ ID:** RN100238708 **CASE NO.:** 35881

RESPONDENT NAME: INEOS USA LLC

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

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

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this plant location, Docket No. 2007-1279-AIR-E.

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 October 20, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Dan Lutz, Environmental Engineer, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512
Mr. John Harvey III, Site Director, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** April 28, 2008 **Date of NOV/NOE Relating to this Case:** May 7, 2008 (NOE) **Background Facts:** This was a routine investigation. **AIR** Failure to comply with permitted emissions limits. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds ("lbs") per hour, and for 27.3 hours from February 29 to March 1, 2008, the No. 1 Olefin Flare (EPN DM1101), and a fire associated with a leaking pump in the No. 1 Olefins Unit, emitted 7,098 lbs of propylene (a highly reactive volatile organic compound), 4,022 lbs of propane, 1,545 lbs of nitrogen oxides, 7,925 lbs of carbon monoxide, 75 lbs of toluene, and experienced 100% opacity. Because this event could have been avoided by better planning and operating practices, the emissions and opacity do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) and (d)(1-10) [30 TEX. ADMIN. CODE §§ 111.111(a)(1), 116.715(a), and 101.20(3), New Source Review Flexible Air Permit No. 95/PSD-TX-854, General Condition No. 11 and Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $17,400 **Total Deferred:** $3,480 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $13,920 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes __ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, in order to address the causes that led to the emissions event that occurred February 29 to March 1, 2008, complete improvements to planning and operating procedures; and b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

Additional ID No(s).: BL0002S

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision April 29, 2008*

TCEQ

DATES					
Assigned	13-May-2008				
PCW	27-May-2008	Screening	13-May-2008	EPA Due	18-Mar-2009

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	35881	No. of Violations	1
Docket No.	2008-0800-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 248.0% Enhancement — *Subtotals 2, 3, & 7* $12,400

Notes: The penalty is enhanced by seven 1660-style orders, two findings orders, eight NOVs for same or similar violations, 11 NOVs for dissimilar violations, and reduced by four NOAs.

Culpability — No — 0.0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0.0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

0.0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$265
Approx. Cost of Compliance	$5,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $17,400

OTHER FACTORS AS JUSTICE MAY REQUIRE — 0.0% — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $17,400

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $17,400

DEFERRAL — 20.0% Reduction — *Adjustment* -$3,480

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $13,920

Screening Date 13-May-2008 **Docket No.** 2008-0800-AIR-E **PCW**

Respondent INEOS USA LLC *Policy Revision 2 (September 2002)*

Case ID No. 35881 *PCW Revision April 29, 2008*

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Terry Murphy

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*)	8	40%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	7	140%
	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	2	50%
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 submitted*)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 248%

>> **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

The penalty is enhanced by seven 1660-style orders, two findings orders, eight NOVs for same or similar violations, 11 NOVs for dissimilar violations, and reduced by four NOAs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 248%

Screening Date 13-May-2008 **Docket No.** 2008-0800-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

Respondent INEOS USA LLC

Case ID No. 35881

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(1), 116.715(a), and 101.20(3), New Source Review Flexible Air Permit No. 95/PSD-TX-854, General Condition No. 11 and Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with permitted emissions limits, as documented during an investigation conducted on April 28, 2008. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds ("lbs") per hour, and for 27.3 hours from February 29 to March 1, 2008, the No. 1 Olefin Flare (EPN DM1101), and a fire associated with a leaking pump in the No. 1 Olefins Unit, emitted 7,098 lbs of propylene (a highly reactive volatile organic compound), 4,022 lbs of propane, 1,545 lbs of nitrogen oxides, 7,925 lbs of carbon monoxide, 75 lbs of toluene, and experienced 100% opacity. Because this event could have been avoided by better planning and operating practices, the emissions and opacity do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11) and (d)(1-10).

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment were exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $265

Statutory Limit Test

Violation Final Penalty Total $17,400

This violation Final Assessed Penalty (adjusted for limits) $17,400

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 35881
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$5,000	29-Feb-2008	1-Dec-2008	0.76	$13	$252	$265
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated costs to implement better planning and operating procedures. The Date Required is the initial date of the emissions event, and the Final Date is when the implementation of improved procedures is expected to be completed.

Avoided Costs — ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $5,000

TOTAL: $265

Compliance History

Customer/Respondent/Owner-Operator:	CN602817884	INEOS USA LLC	Classification: AVERAGE	Rating: 1.82
Regulated Entity:	RN100238708	CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 2.35

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	REGISTRATION	75608
AIR NEW SOURCE PERMITS	REGISTRATION	12953
AIR NEW SOURCE PERMITS	REGISTRATION	53419
AIR NEW SOURCE PERMITS	REGISTRATION	75399
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	ACCOUNT NUMBER	BL0002S
AIR NEW SOURCE PERMITS	AFS NUM	4803900014
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	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	REGISTRATION	71820
AIR NEW SOURCE PERMITS	PERMIT	P983
AIR NEW SOURCE PERMITS	REGISTRATION	74968
AIR NEW SOURCE PERMITS	REGISTRATION	76394
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	76401
AIR NEW SOURCE PERMITS	EPA ID	PSDTX642
AIR NEW SOURCE PERMITS	REGISTRATION	78501
AIR NEW SOURCE PERMITS	REGISTRATION	78483
AIR NEW SOURCE PERMITS	EPA ID	PSDTX854M2
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 STORAGE	PERMIT	50121
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30042
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50121
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50121

Location: Two miles South of FM 2917 on FM 2004 Alvin, TX, 77512 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 13, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 13, 2003 to May 13, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Terry Murphy Phone: (512) 239-5025

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 Admin. Order 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: 08/30/2004 Admin. Order 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")

Effective Date: 08/28/2006 Admin. Order 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: 11/03/2006 Admin. Order 2006-0469-AIR-E

Classification: Major

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

Rqmt Prov: No. 95/PSD-TX-854, Special Condition #1 PERMIT

Description: Failure to prevent loss of instrument air resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: Permit No. 95/PSD-TX-854 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limit of zero from the No. 1 Olefins Flare on November 19, 2005 [emission point No. ("EPN") DM-1101] on November 19, 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limit of zero from the No. 1 Olefins Flare on December 11, 2005 [EPN DM-1101] on December 11, 2005.

Effective Date: 04/26/2007 ADMINORDER 2006-1893-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: No. 95, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/31/2007 Admin. Order 2007-0175-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 11/19/2007 Admin. Order 2004-0891-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: Flexible Air Permit #95, SC #1 PERMIT

Description: BP Amoco failed to prevent the unauthorized excessive emissions from Emission Point No. DDM-3101 during a period of 42 hours on April 1 through April 3, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit 95 and PSD-TX-854 PA

Description: BP Amoco failed to prevent the unauthorized emissions when a drain valve on Flare Knock-Out Drum AD-1501 was left open for one hour on May 3, 2004.

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: TCEQ FLEXIBLE AIR PERMIT #95, SC#1 PERMIT

Description: BP Amoco failed to prevent the unauthorized emissions when BP Amoco failed to prevent a high concentration of carbon monoxide in cracked gas which caused a malfunction in the acetylene reactor, which in turn, resulted in the production of ethylene which was routed to the Olefins 1 Flare for approximately 12 hours and 30 minutes on July 19, 2004.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit No. 95, SC1 PERMIT

Description: BP Amoco failed to prevent the unauthorized emissions from the Olefins 2 Unit's flare when the Steam Turbine, DDGT-220AN, had an electrical short circuit which caused it to trip offline. This short circuiting caused the Cracked-Gas Compressor DDC-202N to trip-off during a period of approximately eleven (11) hours on June 16, 2004.

Classification: Moderate

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

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

Rqmt Prov: 19868, SC No. 1 PA

Description: BP Amoco failed to prevent the unauthorized emissions due to a seal failure on Quench Pump MG-251 for approximately one hour and forty-five minutes on July 9, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Flex Air Permit No. 95, SC1 PERMIT

Description: BP Amoco failed to prevent unauthorized emissions from the Olefins 1 Unit Flare when BP failed to control back-pressure in a hydrogen pipeline; thereby shutting down two compressors and decreasing flow through the ethylene section of the Olefins 1 Unit for approximately 40 hours from October 21 through October 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 95, SC #1 PA

Description: BP Amoco failed to prevent unauthorized emissions from the Olefins 1 Flare when BP failed to control the carbon monoxide concentration and temperature in the acetylene reactor, DR-201 A/B, for approximately 10 hours on October 29, 2004.

Effective Date: 01/28/2008 Admin. Order 2007-0370-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: No. 95/PSD-TX-854, SC#1 PERMIT

Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions during Incident 63040 and 63041.

Classification: Major

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: No. 95 PERMIT

Description: Failed to control unauthorized emissions during Incident No. 63863 and No. 63864.

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: TCEQ Flex Air Permit #95/PSD-TX-854, SC1 OP

Description: INEOS failure to prevent an avoidable 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 D 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent loss of feed resulting in unauthorized emissions.

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: TCEQ Permit No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to operator error.

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: TCEQ Permit No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

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: No. 95, Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Effective Date: 04/03/2008 Admin. Order 2007-1325-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for Trihalomethanes during the fourth quarter of 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.

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. (CCEDS Inv. Track. No.)

1	05/22/2003	(157603)	95	08/24/2005	(404609)	191	03/22/2007	(541397)
2	06/11/2003	(17426)	96	08/24/2005	(406770)	192	03/23/2007	(460443)
			97	08/29/2005	(407005)	193	04/03/2007	(461307)
3	06/19/2003	(40960)	98	08/30/2005	(418277)	194	04/09/2007	(541411)
4	06/24/2003	(157607)	99	09/08/2005	(337658)	195	04/11/2007	(461770)
5	06/29/2003	(34948)	100	09/08/2005	(375408)	196	04/13/2007	(532653)
6	07/10/2003	(45940)	101	09/08/2005	(372077)	197	04/16/2007	(575152)
7	07/10/2003	(45285)	102	09/16/2005	(440768)	198	05/03/2007	(554914)
8	07/10/2003	(43553)	103	09/21/2005	(431548)	199	05/10/2007	(555702)
9	07/21/2003	(157611)	104	10/10/2005	(432962)	200	05/18/2007	(575153)
10	07/30/2003	(114223)	105	10/13/2005	(440769)	201	05/18/2007	(652283)
11	08/04/2003	(144302)	106	10/13/2005	(440770)	202	05/18/2007	(568214)
12	08/19/2003	(295179)	107	11/03/2005	(431679)	203	05/21/2007	(511619)
13	08/28/2003	(152166)	108	11/18/2005	(468323)	204	05/25/2007	(560317)
14	09/15/2003	(295181)	109	12/05/2005	(397651)	205	06/06/2007	(562013)
15	09/17/2003	(248915)	110	12/20/2005	(468322)	206	06/11/2007	(575154)
16	09/17/2003	(248837)	111	12/20/2005	(468324)	207	06/25/2007	(564693)
17	09/22/2003	(150004)	112	01/12/2006	(451532)	208	07/11/2007	(454997)
18	10/17/2003	(248985)	113	01/12/2006	(451560)	209	07/12/2007	(575155)
19	10/20/2003	(295183)	114	01/26/2006	(437342)	210	07/19/2007	(567658)
20	11/14/2003	(295186)	115	01/26/2006	(438227)	211	07/23/2007	(567132)
21	11/14/2003	(252631)	116	01/26/2006	(437271)	212	07/23/2007	(566724)
22	11/18/2003	(255236)	117	01/27/2006	(451469)	213	07/30/2007	(568409)
23	11/20/2003	(255571)	118	02/15/2006	(468321)	214	08/07/2007	(575156)
24	11/21/2003	(295184)	119	02/16/2006	(436530)	215	08/10/2007	(562140)
25	12/15/2003	(295185)	120	02/24/2006	(450737)	216	08/10/2007	(652667)
26	01/12/2004	(253433)	121	02/24/2006	(450766)	217	08/10/2007	(563070)
27	01/28/2004	(257699)	122	02/24/2006	(438700)	218	08/31/2007	(565801)
28	02/13/2004	(295169)	123	02/24/2006	(450771)	219	09/18/2007	(607523)
29	04/22/2004	(295172)	124	02/24/2006	(454384)	220	09/18/2007	(607524)
30	05/12/2004	(295174)	125	02/27/2006	(449481)	221	09/19/2007	(574167)
31	05/21/2004	(60492)	126	02/27/2006	(450755)	222	09/19/2007	(570290)
32	06/15/2004	(272258)	127	02/27/2006	(440360)	223	09/28/2007	(565477)
33	06/17/2004	(295176)	128	02/28/2006	(437776)	224	10/04/2007	(565852)
34	06/28/2004	(272032)	129	02/28/2006	(333721)	225	10/04/2007	(565854)
35	07/05/2004	(278334)	130	02/28/2006	(435662)	226	10/10/2007	(566839)
36	07/05/2004	(272798)	131	02/28/2006	(450758)	227	10/10/2007	(566452)
37	07/05/2004	(278078)	132	03/17/2006	(498116)	228	10/10/2007	(565967)
38	07/05/2004	(272521)	133	03/20/2006	(454984)	229	10/10/2007	(566915)
39	07/09/2004	(272455)	134	03/20/2006	(438702)	230	10/10/2007	(565963)
40	07/13/2004	(274532)	135	03/20/2006	(454973)	231	10/11/2007	(566941)

41	07/15/2004	(351989)	136	04/19/2006	(449649)	232	10/11/2007	(566955)
42	07/19/2004	(274762)	137	04/21/2006	(498117)	233	10/18/2007	(569974)
43	08/05/2004	(287465)	138	04/24/2006	(460197)	234	10/19/2007	(566879)
44	08/16/2004	(351990)	139	04/24/2006	(460166)	235	10/19/2007	(566487)
45	08/18/2004	(284687)	140	04/24/2006	(459777)	236	11/06/2007	(600100)
46	08/30/2004	(250202)	141	04/28/2006	(453217)	237	11/08/2007	(619477)
47	08/31/2004	(277083)	142	05/04/2006	(462911)	238	11/09/2007	(594738)
48	08/31/2004	(272440)	143	05/09/2006	(453215)	239	11/09/2007	(594251)
49	09/13/2004	(293314)	144	05/10/2006	(451219)	240	11/09/2007	(594021)
50	09/23/2004	(351991)	145	05/15/2006	(454640)	241	11/09/2007	(594360)
51	10/04/2004	(336250)	146	05/16/2006	(498118)	242	11/13/2007	(574346)
52	10/22/2004	(351992)	147	05/17/2006	(462063)	243	11/15/2007	(653032)
53	11/08/2004	(336528)	148	05/19/2006	(453213)	244	11/16/2007	(594681)
54	11/08/2004	(337000)	149	06/19/2006	(498119)	245	11/16/2007	(594670)
55	11/23/2004	(351993)	150	06/30/2006	(482249)	246	11/16/2007	(594676)
56	12/11/2004	(335356)	151	07/06/2006	(485562)	247	11/19/2007	(594880)
57	12/11/2004	(341906)	152	07/07/2006	(483977)	248	11/26/2007	(570225)
58	12/11/2004	(335371)	153	07/07/2006	(484327)	249	11/26/2007	(569987)
59	12/13/2004	(338522)	154	07/07/2006	(483768)	250	11/27/2007	(570543)
60	12/13/2004	(336245)	155	07/17/2006	(498120)	251	12/04/2007	(566947)
61	12/13/2004	(333505)	156	07/21/2006	(484894)	252	12/05/2007	(619478)
62	12/13/2004	(337068)	157	07/21/2006	(485159)	253	12/20/2007	(599302)
63	12/15/2004	(337091)	158	07/27/2006	(465816)	254	01/02/2008	(599812)
64	12/16/2004	(341903)	159	08/09/2006	(375409)	255	01/03/2008	(611841)
65	12/17/2004	(337094)	160	08/16/2006	(520130)	256	01/08/2008	(600585)
66	12/20/2004	(342723)	161	09/01/2006	(489158)	257	01/10/2008	(609407)
67	12/22/2004	(381804)	162	09/01/2006	(488482)	258	01/18/2008	(611544)
68	12/28/2004	(288451)	163	09/01/2006	(488416)	259	01/25/2008	(609712)
69	12/28/2004	(287065)	164	09/01/2006	(488185)	260	02/08/2008	(610485)
70	12/28/2004	(277182)	165	09/01/2006	(488461)	261	02/08/2008	(609996)
71	01/05/2005	(287246)	166	09/01/2006	(488316)	262	02/08/2008	(610061)
72	01/06/2005	(337406)	167	09/01/2006	(488258)	263	02/08/2008	(612681)
73	01/07/2005	(341099)	168	09/01/2006	(497259)	264	02/08/2008	(611999)
74	01/07/2005	(343281)	169	09/01/2006	(488259)	265	02/08/2008	(652098)
75	01/07/2005	(288575)	170	10/10/2006	(514525)	266	02/08/2008	(610221)
76	01/07/2005	(287050)	171	10/10/2006	(511470)	267	02/08/2008	(609244)
77	01/10/2005	(286887)	172	10/12/2006	(520131)	268	02/08/2008	(600663)
78	01/17/2005	(286916)	173	10/17/2006	(515418)	269	02/08/2008	(611533)
79	01/20/2005	(381805)	174	11/08/2006	(544398)	270	02/08/2008	(612004)
80	02/04/2005	(338314)	175	11/17/2006	(544397)	271	02/15/2008	(618820)
81	02/22/2005	(381802)	176	11/27/2006	(455008)	272	02/20/2008	(570269)
82	03/21/2005	(381803)	177	12/06/2006	(518260)	273	03/06/2008	(636901)
83	04/22/2005	(419633)	178	12/12/2006	(544399)	274	03/10/2008	(597253)
84	04/26/2005	(372080)	179	12/19/2006	(532142)	275	03/13/2008	(614947)
85	05/18/2005	(374942)	180	01/12/2007	(544400)	276	03/18/2008	(615557)
86	05/19/2005	(419634)	181	01/16/2007	(534803)	277	03/18/2008	(615556)
87	05/20/2005	(392949)	182	01/17/2007	(567358)	278	03/18/2008	(615544)
88	06/20/2005	(419635)	183	02/07/2007	(544396)	279	03/18/2008	(615545)
89	07/13/2005	(440766)	184	02/22/2007	(437530)	280	03/31/2008	(616611)
90	07/15/2005	(399321)	185	02/23/2007	(437902)	281	03/31/2008	(616733)
91	08/10/2005	(404141)	186	02/26/2007	(489773)	282	04/04/2008	(618108)
92	08/13/2005	(404828)	187	02/26/2007	(541487)	283	04/21/2008	(639800)
93	08/18/2005	(404361)	188	02/28/2007	(541747)	284	05/07/2008	(654421)
94	08/19/2005	(440767)	189	03/12/2007	(575151)	285	05/09/2008	(637781)
			190	03/13/2007	(455785)			

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

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: 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, resulting in unauthorized

Date: 08/30/2004 (250202)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA 35735
Description: Failure to comply with Special Condition No. 11A of TCEQ Permit No. 35735.
Date: 12/28/2004 (288451)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Rqmt Prov: PA 5419, SC 1
Description: Failure to meet demonstration criteria.
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 95, Special Condition No. 1
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 Other Requirements, No. 3
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.
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 19868 SC No. 7E
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 35735 SC No. 3
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 5419 SC No. 3
Description: Failure to avoid visible emissions from flare for more than five minutes in any two hour period.
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)
Description: Failure to meet the limit for one or more permit parameter
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 Permit # 95 Special Condition 28E
Description: Failure to seal three open ended lines.
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 Permit No. 19868, Special Condition 1
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: 01/17/2007 (567358)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for Trihalomethanes during the fourth quarter of 2006.
Date: 05/18/2007 (652283)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES
Date: 05/18/2007 (568214)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.
Date: 08/10/2007 (652667)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES
Date: 08/31/2007 (565801)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP #O-01353, Special Condition #1A
OP FOP #O-01353, Special Condition #6
PERMIT Permit #19868, Special Condition #5E
PERMIT Permit #35735, Special Condition #8E
PERMIT Permit #5419, Special Condition #8E
Description: Failure to seal open-ended lines in a VOC service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP # O-01353, Special Condition #1A
OP FOP # O-01353, Special Condition #6
PERMIT Permit #19868, Special Condition #8D
PERMIT Permit #35735, Special Condition #4
Description: Failure to prevent flares' on-line analyzers to be out of service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP #O-01353, Special Condition #1A
OP FOP #O-01353, Special Condtion #6
PERMIT Permit #35735, Special Condition #3
Description: Failure to prevent visible emissions at the flare.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP #O-01353, Special Condition #6

PERMIT Permit #35735, Special Condition #4

Description: Failure to prevent flare monitoring data for vent flow rate lost due to parametric meter malfunction.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to include in four previous deviation reports (May 2005 to October 2006) their failure to submit semi-annual reports of non-repairable HRVOC fugitive emission components to TCEQ Houston Region Office.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent extraordinary repair attempt not completed within 30 days of leak detection for valve in HRVOC service (leaking <10,000 ppmv).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit reports of HRVOC fugitive emissions components that were non-repairable (i.e. placed on delay of repair) to the TCEQ and local agency

semi-annually as required until the report covering the period ending December 31, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to collect samples for total VOC analysis while Polypropylene Unit #2 cooling tower analyzer was out of calibration.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent stationary diesel emergency engine tested between 6 am and 12 noon.

Date: 09/30/2007 (607523)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/15/2007 (653032)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: TOTAL TRIHALOMETHANES

Date: 02/08/2008 (652098)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: TOTAL TRIHALOMETHANES

Date: 04/04/2008 (618108)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT No. 95, Special Condition 1

Description: Failure to prevent unauthorized emissions due to operator error.

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: 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 COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
INEOS USA LLC	§	
RN100238708	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-0800-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 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located two miles south of Farm-to-Market Road 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 12, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Seventeen Thousand Four Hundred Dollars ($17,400) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Thirteen Thousand Nine Hundred Twenty Dollars ($13,920) of the administrative penalty and Three Thousand Four Hundred Eighty Dollars ($3,480) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

10. 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.

11. 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, the Respondent is alleged to have failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1), 116.715(a), and 101.20(3), New Source Review Flexible Air Permit No. 95/PSD-TX-854, General Condition No. 11 and Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 28, 2008. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds ("lbs") per hour, and for 27.3 hours from February 29 to March 1, 2008, the No. 1 Olefin Flare (EPN DM1101), and a fire associated with a leaking pump in the No. 1 Olefins Unit, emitted 7,098 lbs of propylene (a highly reactive volatile organic compound), 4,022 lbs of propane, 1,545 lbs of nitrogen oxides, 7,925 lbs of carbon monoxide, 75 lbs of toluene, and experienced 100% opacity. Because this event could have been avoided by better planning and operating practices, the emissions and opacity do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) and (d)(1-10).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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. 2008-0800-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. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, in order to address the causes that led to the emissions event that occurred February 29 to March 1, 2008, complete improvements to planning and operating procedures; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

      "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

      The certification shall be submitted to:

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

      with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.

7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 9/26/2008
For the Executive Director 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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

_____ 7/21/08
Signature Date

John Harvey III Site Director
Name (Printed or typed) Title
Authorized Representative of
INEOS USA LLC

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.