

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-0266-AIR-E **TCEQ ID:** RN100238708 **CASE NO.:** 35378  
**RESPONDENT NAME:** INEOS USA LLC

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Chocolate Bayou Plant, located 2 miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004, near Alvin, Brazoria County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three additional pending enforcement actions, Docket Numbers 2007-1100-AIR-E, 2007-1279-AIR-E, and 2007-1325-PWS-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 2, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Randall Browning, Health, Safety, and Environmental Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512  Mr. John Harvey, Site Director, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 10, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 18, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failed to prevent unauthorized emissions. Specifically, the flow of dimethyl sulfide to the dilution steam was interrupted due to a clogged filter, resulting in the release of 2,596.45 pounds ("lbs") of carbon monoxide, 509.60 lbs of nitrogen oxides, and 2,416.05 lbs of volatile organic compounds from the Olefins 2 flare (EPN DDM-3101) over a six hour forty-minute period on September 27, 2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and New Source Review Permit No. 95/PSD-TX-854, Special Condition 1].</p>	<p><b>Total Assessed:</b> \$10,000</p> <p><b>Total Deferred:</b> \$2,000  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$8,000</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that by December 5, 2007, the Respondent installed a differential pressure gauge to provide information to the operating technician during dimethyl sulfide normal operation and truck off-loading and operating procedures were modified to require a reading from the differential pressure gauge during each shift.</p>

Additional ID No(s): BL0002S



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision January 29, 2008

<b>DATES</b>	Assigned	21-Jan-2008	Screening	11-Feb-2008	EPA Due	21-Aug-2008
	PCW	17-Mar-2008				

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

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35378	No. of Violations	1	
Docket No.	2008-0266-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	James Nolan	
Multi-Media		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

<b>Penalty Calculation Section</b>	
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b> <input type="text" value="\$5,000"/>

<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
<b>Compliance History</b>	<b>Subtotals 2, 3, &amp; 7</b> <input type="text" value="\$10,850"/>

Notes: Penalty enhancement due to six previous 1660 style orders, two previous findings orders, seven similar NOV's, eight nonsimilar NOV's. Penalty reduction due to four notices of audit.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b> <input type="text" value="\$0"/>
Notes	The Respondent does not meet the culpability criteria.		

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b> <input type="text" value="\$1,250"/>
	<small>Before NOV      NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	
N/A	<input type="checkbox"/>	<small>(mark with x)</small>
Notes	The Respondent returned to compliance on December 5, 2007.	

	0% Enhancement*	<b>Subtotal 6</b> <input type="text" value="\$0"/>
	<small>*Capped at the Total EB \$ Amount</small>	
Total EB Amounts	<input type="text" value="\$17"/>	
Approx. Cost of Compliance	<input type="text" value="\$1,400"/>	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b> <input type="text" value="\$14,600"/>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<input type="text" value="0%"/>	<b>Adjustment</b> <input type="text" value="\$0"/>
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
Notes	<input type="text"/>	
	<b>Final Penalty Amount</b>	<input type="text" value="\$14,600"/>

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b> <input type="text" value="\$10,000"/>
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<b>DEFERRAL</b>	<input type="text" value="20%"/>	Reduction	<b>Adjustment</b> <input type="text" value="-2,000"/>
<small>Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		

<b>PAYABLE PENALTY</b>	<input type="text" value="\$8,000"/>
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Screening Date 11-Feb-2008

Docket No. 2008-0266-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 35378

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator James Nolan

### 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)	7	35%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	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) 217%

>> 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 six previous 1660 style orders, two previous findings orders, seven similar NOVs, eight nonsimilar NOVs. Penalty reduction due to four notices of audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 217%

**Screening Date** 11-Feb-2008  
**Respondent** INEOS USA LLC  
**Case ID No.** 35378

**Docket No.** 2008-0266-AIR-E

**PCW**

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

**Reg. Ent. Reference No.** RN100238708

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**Violation Number**

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

**Violation Description**

Failed to prevent unauthorized emissions, as determined during an investigation December 10, 2007. Specifically, the flow of dimethyl sulfide to the dilution steam was interrupted due to a clogged filter, resulting in the release of 2,596.45 pounds ("lbs") of carbon monoxide, 509.60 lbs of nitrogen oxides, and 2,416.05 lbs of volatile organic compounds from the Olefins 2 flare (EPN DDM-3101) over a six hour forty-minute period on September 27, 2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 Tex. Admin Code § 101.222 were not met.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input checked="" type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

One monthly 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.** 35378  
**Reg. Ent. Reference No.** RN100238708  
**Media Air**  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Equipment	\$600	27-Sep-2007	5-Dec-2007	0.2	\$0	\$8	\$8
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	27-Sep-2007	5-Dec-2007	0.2	\$0	\$6	\$7
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$300	27-Sep-2007	5-Dec-2007	0.2	\$3	n/a	\$3
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of engineering controls and training to prevent filter pluggage. Date required is the date of the emission event. Final date is the date of compliance.

**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

\$1,400

TOTAL

\$17



4. if Yes, who was/were the prior owner(s)?

BP Amoco Chemical Company

5. When did the change(s) in ownership occur?

N/A  
04/25/2005

**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: 08/30/2004 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")

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: 11/03/2006 ADMINORDER 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 ADMINORDER 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 ADMINORDER 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 ADMINORDER 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.

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	02/18/2003	(23956)
2	02/19/2003	(23138)
3	02/20/2003	(157591)
4	03/11/2003	(26612)
5	03/11/2003	(21022)
6	03/12/2003	(25569)
7	03/22/2003	(295171)
8	03/24/2003	(157594)
9	03/28/2003	(27751)
10	03/28/2003	(23681)
11	04/14/2003	(31828)
12	04/17/2003	(157599)
13	04/25/2003	(33704)
14	05/12/2003	(28018)
15	05/12/2003	(28024)
16	05/22/2003	(157603)
17	06/11/2003	(17426)
18	06/19/2003	(40960)
19	06/24/2003	(157607)
20	06/29/2003	(34948)
21	07/10/2003	(45940)
22	07/10/2003	(45285)
23	07/10/2003	(43553)
24	07/21/2003	(157611)
25	07/30/2003	(114223)
26	08/04/2003	(144302)
27	08/19/2003	(295179)
28	08/28/2003	(152166)
29	09/15/2003	(295181)
30	09/17/2003	(248915)
31	09/17/2003	(248837)
32	09/22/2003	(150004)
33	10/17/2003	(248985)
34	10/20/2003	(295183)
35	11/14/2003	(295186)
36	11/14/2003	(252631)
37	11/18/2003	(255236)
38	11/20/2003	(255571)
39	11/21/2003	(295184)
40	12/15/2003	(295185)
41	01/12/2004	(253433)
42	01/28/2004	(257699)
43	02/13/2004	(295169)
44	04/22/2004	(295172)
45	05/12/2004	(295174)
46	05/21/2004	(60492)
47	06/15/2004	(272258)
48	06/17/2004	(295176)
49	06/28/2004	(272032)
50	07/05/2004	(278334)

51	07/05/2004	(272798)
52	07/05/2004	(278078)
53	07/05/2004	(272521)
54	07/09/2004	(272455)
55	07/13/2004	(274532)
56	07/15/2004	(351989)
57	07/19/2004	(274762)
58	08/05/2004	(287465)
59	08/16/2004	(351990)
60	08/18/2004	(284687)
61	08/30/2004	(250202)
62	08/31/2004	(277083)
63	08/31/2004	(272440)
64	09/13/2004	(293314)
65	09/23/2004	(351991)
66	10/04/2004	(336250)
67	10/22/2004	(351992)
68	11/08/2004	(336528)
69	11/08/2004	(337000)
70	11/23/2004	(351993)
71	12/11/2004	(335356)
72	12/11/2004	(341906)
73	12/11/2004	(335371)
74	12/13/2004	(338522)
75	12/13/2004	(336245)
76	12/13/2004	(333505)
77	12/13/2004	(337068)
78	12/15/2004	(337091)
79	12/16/2004	(341903)
80	12/17/2004	(337094)
81	12/20/2004	(342723)
82	12/22/2004	(381804)
83	12/28/2004	(288451)
84	12/28/2004	(287065)
85	12/28/2004	(277182)
86	01/05/2005	(287246)
87	01/06/2005	(337406)
88	01/07/2005	(341099)
89	01/07/2005	(343281)
90	01/07/2005	(288575)
91	01/07/2005	(287050)
92	01/10/2005	(286887)
93	01/17/2005	(286916)
94	01/20/2005	(381805)
95	02/04/2005	(338314)
96	02/22/2005	(381802)
97	03/21/2005	(381803)
98	04/22/2005	(419633)
99	04/26/2005	(372080)
100	05/18/2005	(374942)
101	05/19/2005	(419634)
102	05/20/2005	(392949)
103	06/20/2005	(419635)
104	07/13/2005	(440766)
105	07/15/2005	(399321)
106	08/10/2005	(404141)
107	08/13/2005	(404828)
108	08/18/2005	(404361)
109	08/19/2005	(440767)
110	08/24/2005	(404609)
111	08/24/2005	(406770)
112	08/29/2005	(407005)
113	08/30/2005	(418277)
114	09/08/2005	(337658)
115	09/08/2005	(375408)
116	09/08/2005	(372077)
117	09/16/2005	(440768)
118	09/21/2005	(431548)
119	10/10/2005	(432962)
120	10/13/2005	(440769)
121	10/13/2005	(440770)
122	11/03/2005	(431679)
123	11/18/2005	(468323)
124	12/05/2005	(397651)
125	12/20/2005	(468322)
126	12/20/2005	(468324)
127	01/12/2006	(451532)
128	01/12/2006	(451560)
129	01/26/2006	(437342)
130	01/26/2006	(438227)
131	01/26/2006	(437271)
132	01/27/2006	(451469)
133	02/15/2006	(468321)
134	02/16/2006	(436530)

135	02/24/2006	(450737)
136	02/24/2006	(450766)
137	02/24/2006	(438700)
138	02/24/2006	(450771)
139	02/24/2006	(454384)
140	02/27/2006	(449481)
141	02/27/2006	(450755)
142	02/27/2006	(440360)
143	02/28/2006	(437776)
144	02/28/2006	(333721)
145	02/28/2006	(435662)
146	02/28/2006	(450758)
147	03/17/2006	(498116)
148	03/20/2006	(454984)
149	03/20/2006	(438702)
150	03/20/2006	(454973)
151	04/19/2006	(449649)
152	04/21/2006	(498117)
153	04/24/2006	(460197)
154	04/24/2006	(460166)
155	04/24/2006	(459777)
156	04/28/2006	(453217)
157	05/04/2006	(462911)
158	05/09/2006	(453215)
159	05/10/2006	(451219)
160	05/15/2006	(454640)
161	05/16/2006	(498118)
162	05/17/2006	(462063)
163	05/19/2006	(453213)
164	06/19/2006	(498119)
165	06/30/2006	(482249)
166	07/06/2006	(485562)
167	07/07/2006	(483977)
168	07/07/2006	(484327)
169	07/07/2006	(483768)
170	07/17/2006	(498120)
171	07/21/2006	(484894)
172	07/21/2006	(485159)
173	07/27/2006	(465816)
174	08/09/2006	(375409)
175	08/16/2006	(520130)
176	09/01/2006	(489158)
177	09/01/2006	(488482)
178	09/01/2006	(488416)
179	09/01/2006	(488185)
180	09/01/2006	(488461)
181	09/01/2006	(488316)
182	09/01/2006	(488258)
183	09/01/2006	(497259)
184	09/01/2006	(488259)
185	10/10/2006	(514525)
186	10/10/2006	(511470)
187	10/12/2006	(520131)
188	10/17/2006	(515418)
189	11/08/2006	(544398)
190	11/17/2006	(544397)
191	11/27/2006	(455008)
192	12/06/2006	(518260)
193	12/12/2006	(544399)
194	12/19/2006	(532142)
195	01/12/2007	(544400)
196	01/16/2007	(534803)
197	01/17/2007	(567358)
198	02/07/2007	(544396)
199	02/22/2007	(437530)
200	02/23/2007	(437902)
201	02/26/2007	(489773)
202	02/26/2007	(541487)
203	02/28/2007	(541747)
204	03/12/2007	(575151)
205	03/13/2007	(455785)
206	03/22/2007	(541397)
207	03/23/2007	(460443)
208	04/03/2007	(461307)
209	04/09/2007	(541411)
210	04/11/2007	(461770)
211	04/13/2007	(532653)
212	04/16/2007	(575152)
213	05/03/2007	(554914)
214	05/10/2007	(555702)
215	05/18/2007	(575153)
216	05/18/2007	(568214)
217	05/21/2007	(511619)
218	05/25/2007	(560317)

219 06/06/2007 (562013)  
 220 06/11/2007 (575154)  
 221 06/25/2007 (564693)  
 222 07/11/2007 (454997)  
 223 07/12/2007 (575155)  
 224 07/19/2007 (567658)  
 225 07/23/2007 (567132)  
 226 07/23/2007 (566724)  
 227 07/30/2007 (568409)  
 228 08/07/2007 (575156)  
 229 08/10/2007 (562140)  
 230 08/10/2007 (563070)  
 231 08/31/2007 (565801)  
 232 09/18/2007 (607523)  
 233 09/18/2007 (607524)  
 234 09/19/2007 (574167)  
 235 09/19/2007 (570290)  
 236 09/28/2007 (565477)  
 237 10/04/2007 (565852)  
 238 10/04/2007 (565854)  
 239 10/10/2007 (566839)  
 240 10/10/2007 (566452)  
 241 10/10/2007 (565967)  
 242 10/10/2007 (566915)  
 243 10/10/2007 (565963)  
 244 10/11/2007 (566941)  
 245 10/11/2007 (566955)  
 246 10/18/2007 (569974)  
 247 10/19/2007 (566879)  
 248 10/19/2007 (566487)  
 249 11/06/2007 (600100)  
 250 11/09/2007 (594738)  
 251 11/09/2007 (594251)  
 252 11/09/2007 (594021)  
 253 11/09/2007 (594360)  
 254 11/13/2007 (574346)  
 255 11/16/2007 (594681)  
 256 11/16/2007 (594670)  
 257 11/16/2007 (594676)  
 258 11/19/2007 (594880)  
 259 11/26/2007 (570225)  
 260 11/26/2007 (569987)  
 261 11/27/2007 (570543)  
 262 12/04/2007 (566947)  
 263 12/20/2007 (599302)  
 264 01/02/2008 (599812)  
 265 01/03/2008 (611841)  
 266 01/08/2008 (600585)  
 267 01/10/2008 (609407)  
 268 01/18/2008 (611544)  
 269 01/25/2008 (609712)  
 270 02/08/2008 (610485)  
 271 02/08/2008 (609996)  
 272 02/08/2008 (610061)  
 273 02/08/2008 (612681)  
 274 02/08/2008 (611999)  
 275 02/08/2008 (610221)  
 276 02/08/2008 (609244)  
 277 02/08/2008 (600663)  
 278 02/08/2008 (611533)  
 279 02/08/2008 (612004)

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

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: 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: 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:	06/18/2007 (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:	08/31/2007 (565801)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)		

Rqmt Prov: 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)  
 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)  
 Rqmt Prov: 5C THC Chapter 382, SubChapter D 382.085(b)  
 OP FOP #O-01353, Special Condition #1A  
 OP FOP #O-01353, Special Condition #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

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  
ENFORCEMENT ACTION  
CONCERNING  
INEOS USA LLC  
RN100238708**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0266-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 petrochemical plant located 2 miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004 near 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 January 23, 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 Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent



has paid Eight Thousand Dollars (\$8,000) of the administrative penalty and Two Thousand Dollars (\$2,000) 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 recognizes that by December 5, 2007, the Respondent installed a differential pressure gauge to provide information to the operating technician during dimethyl sulfide normal operation and truck off-loading and operating procedures were modified to require a reading from the differential pressure gauge during each shift.
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 the Respondent 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, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 95/PSD-TX-854, Special Condition 1, as documented during an investigation conducted on December 10, 2007. Specifically, the flow of dimethyl sulfide to the dilution steam was interrupted due to a clogged filter, resulting in the release of 2,596.45 pounds ("lbs") of carbon monoxide, 509.60 lbs of nitrogen oxides, and 2,416.05 lbs of volatile organic compounds from the Olefins 2 flare (EPN DDM-3101) over a six hour forty-minute period on September 27, 2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN CODE § 101.222 were not met.

## 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. 2008-0266-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 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.
3. 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.
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 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

  
\_\_\_\_\_  
For the Executive Director

5/11/2008  
\_\_\_\_\_  
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.

  
\_\_\_\_\_  
Signature

3/25/08  
\_\_\_\_\_  
Date

John Harvey  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
INEOS USA LLC

Site Director  
\_\_\_\_\_  
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.

Handwritten text, possibly a signature or name, located in the lower-left quadrant of the page.

Handwritten text, possibly a signature or name, located in the lower-right quadrant of the page.