

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0758-AIR-E TCEQ ID: RN100238708 CASE NO.: 37665
RESPONDENT NAME: INEOS USA LLC

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: Chocolate Bayou Plant, located approximately two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004, Brazoria County</p> <p>TYPE OF OPERATION: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1816-AIR-E and 2007-1279-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 19, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mrs. Martina Kusniadi, Enforcement Division, Enforcement Team 4, MC R-12, (713) 767-3682; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. John Harvey, III, Site Manager, INEOS USA LLC, P.O. BOX 1488, Alvin, Texas 77512 Mr. Dan Lutz, Environmental Engineer, INEOS USA LLC, P.O. BOX 1488, Alvin, Texas 77512 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 4, 2009</p> <p>Date of NOV Relating to this Case: May 15, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to comply with permitted emissions limits. Specifically, the mechanical trip mechanism of C-201 crack gas compressor malfunctioned and diverted 15 pounds of 1,3-butadiene, nine pounds of butane, 3,762 pounds of carbon monoxide, 3,124 pounds of ethylene, 738 pounds of nitrogen oxide, 21 pounds of pentene, 21 pounds of propane and 57 pounds of propylene emissions to the flare [Emission Point Number DDM-3101] over a 17.3 hour period beginning on December 29, 2008. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b) [New Source Review Flexible Air Permit No. 95 / PSD-TX-854 Special Condition 1, 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$2,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,000</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that, by December 30, 2008, the Respondent disabled the mechanical trip mechanism on the No. 2 Olefins Unit cracked gas compressor (DDSC-201) that malfunctioned, since it was determined the engine is equipped with adequate electronic systems. The electronic systems will maintain a continuous and safe operation of the C-201 gas compressor thus preventing a unit upset and flaring.</p>

Additional ID No(s): BL0002S



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	18-May-2009	Screening	21-May-2009	EPA Due	
	PCW	16-Jun-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.	37665	No. of Violations	1
Docket No.	2009-0758-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Martina Kusniad
		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
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	331.0% Enhancement	Subtotals 2, 3, & 7	\$16,550
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Notes: The penalty was enhanced by 11 dissimilar and 12 similar NOVs, ten 1660-style agreed orders, and two findings agreed orders. Penalty was reduced by one notice of audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1
Approx. Cost of Compliance \$3,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,300
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$20,300
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,000
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,000
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,000
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Screening Date: 21-May-2009

Docket No.: 2009-0758-AIR-E

PCW

Respondent: INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No.: 37665

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100238708

Media [Statute]: Air

Enf. Coordinator: Martina Kusniadi

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)	12	60%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	10	200%
	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)	1	-1%
	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) 331%

>> 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 was enhanced by 11 dissimilar and 12 similar NOVs, ten 1660-style agreed orders, and two findings agreed orders. Penalty was reduced by one notice of audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 331%

Screening Date: 21-May-2009	Docket No.: 2009-0758-AIR-E	PCW	
Respondent: INEOS USA LLC	<small>Policy Revision 2 (September 2002)</small>		
Case ID No.: 37665	<small>PCW Revision October 30, 2009</small>		
Reg. Ent. Reference No.: RN100238708			
Media [Statute]: Air			
Enf. Coordinator: Martina Kusniadl			
Violation Number: 1			
Rule Cite(s):	New Source Review Flexible Air Permit No. 95/PSD-TX-854 Special Condition 1, 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), and Tex. Health & Safety Code § 382.085(b)		
Violation Description:	Failed to comply with permitted emissions limits, as documented during an investigation conducted on February 4, 2009. Specifically, the mechanical trip mechanism of C-201 crack gas compressor malfunctioned and diverted 15 pounds of 1,3-butadiene, nine pounds of butene, 3,762 pounds of carbon monoxide, 3,124 pounds of ethylene, 738 pounds of nitrogen oxide, 21 pounds of pentene, 21 pounds of propane and 57 pounds of propylene emissions to the flare [Emission Point Number: DDM-3101] over a 17.3 hour period beginning on December 29, 2008. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b).		
Base Penalty:	\$10,000		
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			50%
>> Programmatic Matrix			
	Major	Moderate	Minor
Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			0%
Matrix Notes:	Human health or the environment was exposed to significant amounts of pollutants that did not exceed levels protective of human health or environmental receptors.		
Adjustment:			\$5,000
			\$5,000
Violation Events			
Number of Violation Events:	1	1	Number of violation days:
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty
	weekly	<input type="checkbox"/>	
	monthly	<input checked="" type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
single event	<input type="checkbox"/>	\$5,000	
One monthly event is recommended, based on the emissions event that occurred beginning on December 29, 2008.			
Good Faith Efforts to Comply			25.0% Reduction \$1,250
	Before NOV	NOV to EDPRP/Settlement	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N/A	<small>(mark with x)</small>		
Notes:	The Respondent achieved compliance on December 30, 2008.		
Violation Subtotal:			\$3,750
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount:	\$1	Violation Final Penalty Total:	\$20,300
This violation Final Assessed Penalty (adjusted for limits):			\$10,000

Economic Benefit Worksheet

Respondent: INEOS USA LLC
Case ID No.: 37665
Reg. Ent. Reference No.: RN100238708
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$3,000	29-Dec-2008	30-Dec-2008	0.00	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
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 ensure fabrication and installation of a mechanical clamp on the DDC-201 gas compressor engine. The Date Required is the date of the event and the Final Date is the date the compliance was achieved.

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

\$3,000

TOTAL

\$1

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602817884	INEOS USA LLC	Classification: AVERAGE	Rating: 2.69
Regulated Entity:	RN100238708	CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 7.13
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	491A	
	AIR NEW SOURCE PERMITS	PERMIT	1041	
	AIR NEW SOURCE PERMITS	PERMIT	2798	
	AIR NEW SOURCE PERMITS	PERMIT	4882	
	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	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	
	AIR NEW SOURCE PERMITS	REGISTRATION	87813	
	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 #	30042
	(SWR)	
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50121
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50121

Location: 2 MI S OF THE INTERSECTION OF FM 2917 AND FM 2004

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 18, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 18, 2004 to May 18, 2009

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

Name: Martina Kusniadi Phone: 713-767-3882

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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWNOPR INEOS USA LLC
4. If Yes, who was/were the prior owner(s)/operator(s)?

OWNOPR	INEOS USA LLC
OWNOPR	BP Amoco Chemical Company
5. When did the change(s) in owner or operator occur?

04/25/2005	OWNOPR	BP Amoco Chemical Company
06/01/2005	OWNOPR	INEOS USA LLC
6. Rating Date: 9/1/2008 Repeat Violator: NO

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.
Effective Date: 04/03/2008 ADMINORDER 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.
Effective Date: 07/21/2008 ADMINORDER 2008-0266-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: No. 95, Special Condition 1 PERMIT
Description: Failed to prevent the interruption of dimethylsulfide supply to dilution steam.
Effective Date: 11/17/2008 ADMINORDER 2008-0800-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Condition No. 11 PERMIT
Special Condition 1 PERMIT
Description: Failed to comply with permitted emissions limits.
Effective Date: 03/12/2009 ADMINORDER 2008-1561-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent rupture of Tank AF4601B roof seals.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/21/2004	(60492)
2	06/15/2004	(272258)
3	06/17/2004	(295176)
4	06/28/2004	(272032)
5	07/05/2004	(272521)
6	07/05/2004	(272798)
7	07/05/2004	(278078)
8	07/05/2004	(278334)
9	07/09/2004	(272455)
10	07/13/2004	(274532)
11	07/15/2004	(351989)
12	07/19/2004	(274762)
13	08/05/2004	(287465)
14	08/16/2004	(351990)
15	08/18/2004	(284687)

16	08/30/2004	(250202)
17	08/31/2004	(272440)
18	08/31/2004	(277083)
19	09/13/2004	(293314)
20	09/23/2004	(351991)
21	10/04/2004	(336250)
22	10/22/2004	(351992)
23	11/08/2004	(336528)
24	11/08/2004	(337000)
25	11/23/2004	(351993)
26	12/11/2004	(335356)
27	12/11/2004	(335371)
28	12/11/2004	(341906)
29	12/13/2004	(333505)
30	12/13/2004	(336245)
31	12/13/2004	(337068)
32	12/13/2004	(338522)
33	12/15/2004	(337091)
34	12/16/2004	(341903)
35	12/17/2004	(337094)
36	12/20/2004	(342723)
37	12/22/2004	(381804)
38	12/28/2004	(277182)
39	12/28/2004	(287065)
40	12/28/2004	(288451)
41	01/05/2005	(287246)
42	01/06/2005	(337406)
43	01/07/2005	(287050)
44	01/07/2005	(288575)
45	01/07/2005	(341099)
46	01/07/2005	(343281)
47	01/10/2005	(286887)
48	01/17/2005	(286916)
49	01/20/2005	(381805)
50	02/04/2005	(338314)
51	02/22/2005	(381802)
52	03/21/2005	(381803)
53	04/22/2005	(419633)
54	04/26/2005	(372080)
55	05/18/2005	(374942)
56	05/19/2005	(419634)
57	05/20/2005	(392949)
58	06/20/2005	(419635)
59	07/13/2005	(440766)
60	07/15/2005	(399321)
61	08/10/2005	(404141)
62	08/13/2005	(404828)
63	08/18/2005	(404361)
64	08/19/2005	(440767)
65	08/24/2005	(404609)
66	08/24/2005	(406770)
67	08/29/2005	(407005)
68	08/30/2005	(418277)
69	09/08/2005	(337658)
70	09/08/2005	(372077)
71	09/08/2005	(375408)
72	09/16/2005	(440768)
73	09/21/2005	(431548)
74	10/10/2005	(432962)

75	10/13/2005	(440769)
76	10/13/2005	(440770)
77	11/03/2005	(431679)
78	11/18/2005	(468323)
79	12/05/2005	(397651)
80	12/20/2005	(468322)
81	12/20/2005	(468324)
82	01/12/2006	(451532)
83	01/12/2006	(451560)
84	01/26/2006	(437271)
85	01/26/2006	(437342)
86	01/26/2006	(438227)
87	01/27/2006	(451469)
88	02/15/2006	(468321)
89	02/16/2006	(436530)
90	02/24/2006	(438700)
91	02/24/2006	(450737)
92	02/24/2006	(450766)
93	02/24/2006	(450771)
94	02/24/2006	(454384)
95	02/27/2006	(440360)
96	02/27/2006	(449481)
97	02/27/2006	(450755)
98	02/28/2006	(333721)
99	02/28/2006	(435662)
100	02/28/2006	(437776)
101	02/28/2006	(450758)
102	03/17/2006	(498118)
103	03/20/2006	(438702)
104	03/20/2006	(454973)
105	03/20/2006	(454984)
106	04/19/2006	(449649)
107	04/21/2006	(498117)
108	04/24/2006	(459777)
109	04/24/2006	(460166)
110	04/24/2006	(460197)
111	04/28/2006	(453217)
112	05/04/2006	(462911)
113	05/09/2006	(453215)
114	05/10/2006	(451219)
115	05/15/2006	(454640)
116	05/16/2006	(498118)
117	05/17/2006	(462063)
118	05/19/2006	(453213)
119	06/19/2006	(498119)
120	06/30/2006	(482249)
121	07/06/2006	(485562)
122	07/07/2006	(483768)
123	07/07/2006	(483977)
124	07/07/2006	(484327)
125	07/17/2006	(498120)
126	07/21/2006	(484894)
127	07/21/2006	(485159)
128	07/27/2006	(465816)
129	08/09/2006	(375409)
130	08/16/2006	(520130)
131	09/01/2006	(488185)
132	09/01/2006	(488258)
133	09/01/2006	(488259)

134 09/01/2006 (488316)
135 09/01/2006 (488416)
136 09/01/2006 (488461)
137 09/01/2006 (488482)
138 09/01/2006 (489158)
139 09/01/2006 (497259)
140 10/10/2006 (511470)
141 10/10/2006 (514525)
142 10/12/2006 (520131)
143 10/17/2006 (515418)
144 11/08/2006 (544398)
145 11/17/2006 (544397)
146 11/27/2006 (455008)
147 12/06/2006 (518260)
148 12/12/2006 (544399)
149 12/19/2006 (532142)
150 01/12/2007 (544400)
151 01/16/2007 (534803)
152 01/17/2007 (567358)
153 02/07/2007 (544396)
154 02/22/2007 (437530)
155 02/23/2007 (437902)
156 02/26/2007 (489773)
157 02/26/2007 (541487)
158 02/28/2007 (541747)
159 03/12/2007 (575151)
160 03/13/2007 (455785)
161 03/22/2007 (541397)
162 03/23/2007 (460443)
163 04/03/2007 (461307)
164 04/09/2007 (541411)
165 04/11/2007 (461770)
166 04/13/2007 (532653)
167 04/16/2007 (575152)
168 05/03/2007 (554914)
169 05/10/2007 (555702)
170 05/18/2007 (568214)
171 05/18/2007 (575153)
172 05/18/2007 (652283)
173 05/21/2007 (511619)
174 05/25/2007 (560317)
175 06/06/2007 (562013)
176 06/11/2007 (575154)
177 06/25/2007 (564693)
178 07/11/2007 (454997)
179 07/12/2007 (575155)
180 07/19/2007 (567658)
181 07/23/2007 (566724)
182 07/23/2007 (567132)
183 07/30/2007 (568409)
184 08/07/2007 (575156)
185 08/10/2007 (562140)
186 08/10/2007 (563070)
187 08/10/2007 (662667)
188 08/31/2007 (565801)
189 09/18/2007 (607523)
190 09/18/2007 (607524)
191 09/19/2007 (570290)
192 08/19/2007 (574167)

193	09/28/2007	(555477)
194	10/04/2007	(565852)
195	10/04/2007	(565854)
196	10/10/2007	(565983)
197	10/10/2007	(565987)
198	10/10/2007	(566452)
199	10/10/2007	(566839)
200	10/10/2007	(566915)
201	10/11/2007	(566941)
202	10/11/2007	(566955)
203	10/18/2007	(569974)
204	10/19/2007	(566487)
205	10/19/2007	(566879)
206	11/06/2007	(600100)
207	11/08/2007	(619477)
208	11/09/2007	(594021)
209	11/09/2007	(594251)
210	11/09/2007	(594360)
211	11/09/2007	(594738)
212	11/13/2007	(574346)
213	11/15/2007	(653032)
214	11/16/2007	(594670)
215	11/16/2007	(594676)
216	11/16/2007	(594681)
217	11/19/2007	(594880)
218	11/26/2007	(569987)
219	11/26/2007	(570225)
220	11/27/2007	(570543)
221	12/04/2007	(566947)
222	12/05/2007	(619478)
223	12/06/2007	(710883)
224	12/20/2007	(599302)
225	01/02/2008	(599812)
226	01/03/2008	(611841)
227	01/08/2008	(600585)
228	01/10/2008	(609407)
229	01/18/2008	(611544)
230	01/25/2008	(609712)
231	02/08/2008	(600663)
232	02/08/2008	(609244)
233	02/08/2008	(609996)
234	02/08/2008	(610061)
235	02/08/2008	(610221)
236	02/08/2008	(610485)
237	02/08/2008	(611533)
238	02/08/2008	(611999)
239	02/08/2008	(612004)
240	02/08/2008	(612681)
241	02/08/2008	(652098)
242	02/13/2008	(671984)
243	02/15/2008	(618820)
244	02/20/2008	(570269)
245	03/06/2008	(636901)
246	03/06/2008	(671985)
247	03/10/2008	(597253)
248	03/13/2008	(614947)
249	03/18/2008	(615544)
250	03/18/2008	(615545)
251	03/18/2008	(615556)

252	03/18/2008	{815557}
253	03/26/2008	{871987}
254	03/31/2008	{816611}
255	03/31/2008	{816733}
256	04/04/2008	{818108}
257	04/07/2008	{871986}
258	04/21/2008	{839800}
259	05/07/2008	{854421}
260	05/09/2008	{837781}
261	05/12/2008	{889902}
262	05/16/2008	{839937}
263	05/16/2008	{839984}
264	05/16/2008	{640018}
265	05/23/2008	{640200}
266	06/10/2008	{889903}
267	06/26/2008	{883110}
268	06/27/2008	{884063}
269	06/30/2008	{671377}
270	06/30/2008	{671397}
271	07/07/2008	{641625}
272	07/15/2008	{681456}
273	07/28/2008	{687478}
274	08/14/2008	{686668}
275	08/19/2008	{687694}
276	08/22/2008	{687895}
277	08/29/2008	{701306}
278	09/05/2008	{710684}
279	09/23/2008	{710685}
280	09/23/2008	{710687}
281	10/21/2008	{682299}
282	10/27/2008	{657228}
283	10/28/2008	{685844}
284	10/29/2008	{636605}
285	11/10/2008	{700448}
286	11/10/2008	{705593}
287	11/10/2008	{710686}
288	12/10/2008	{727445}
289	12/10/2008	{727446}
290	02/03/2009	{722657}
291	02/05/2009	{722823}
292	02/05/2009	{722848}
293	02/10/2009	{726338}
294	02/20/2009	{689406}
295	02/20/2009	{689422}
296	02/27/2009	{724203}
297	03/18/2009	{738007}
298	03/18/2009	{738050}
299	04/18/2009	{741058}
300	04/24/2009	{737309}
301	04/27/2009	{737963}
302	05/05/2009	{739628}
303	05/05/2009	{739755}
304	05/15/2009	{737333}
305	05/15/2009	{742437}
306	05/15/2009	{742470}
307	05/15/2009	{742611}

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

Date: 08/30/2004 (250202)

Self Report? NO

CN602817884

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 35735 PA
Description: Failure to comply with Special Condition No. 11A of TCEQ Permit
Date: 12/28/2004 (288451) **CN602817884**
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
 5419, SC 1 PA
Description: Failure to meet demonstration criteria.
Date: 01/05/2005 (287246) **CN602817884**
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 95, Special Condition No. 1 PA
Description: Exceeded permit limit during an avoidable emissions event.
Date: 06/13/2005 (418277) **CN602817884**
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements, No. 3 PERMIT
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) **CN602817884**
Self Report? NO **Classification:** Moderate

Citation: 19868 SC No. 7E PA
 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)
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)
 35735 SC No. 3 PA
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
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)
 5419 SC No. 3 PA
Description: Failure to avoid visible emissions from flare for more than five minutes in any two hour
 period.
Date: 08/31/2005 (440768) **CN602817884**
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) **CN602817884**
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)
 Permit # 95 Special Condition 28E PERMIT
 Description: Failure to seal three open ended lines.
 Date: 04/28/2006 (453217) CN602817884
 Self Report? NO Classification: Moderate

Citation: Permit No. 19868, Special Condition 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 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) CN602817884
 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) CN602817884
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES
 Date: 05/18/2007 (568214) CN602817884
 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) CN602817884
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES
 Date: 08/31/2007 (565801) CN602817884
 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)
 FOP #O-01353, Special Condition #1A OP
 FOP #O-01353, Special Condition #6 OP
 Permit #19868, Special Condition #5E PERMIT
 Permit #35735, Special Condition #8E PERMIT
 Permit #5419, Special Condition #8E PERMIT
 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)
 FOP # O-01353, Special Condition #1A OP
 FOP # O-01353, Special Condition #6 OP
 Permit #19868, Special Condition #8D PERMIT
 Permit #35735, Special Condition #4 PERMIT
 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)
 FOP #O-01353, Special Condition #1A OP
 FOP #O-01353, Special Condition #6 OP
 Permit #35735, Special Condition #3 PERMIT

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)
 FOP #0-01353, Special Condition #6 OP
 Permit #35735, Special Condition #4 PERMIT

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) CN602817884
 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) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: TOTAL TRIHALOMETHANES
 Date: 02/08/2008 (652098) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: TOTAL TRIHALOMETHANES
 Date: 04/04/2008 (618108) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 No. 95, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to operator error.
 Date: 07/15/2008 (681456) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)

Description: Special Condition No. 8B PERMIT
 Failed to prevent the loss of flame at the flare.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.
 Date: 08/22/2008 (687895) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1 PERMIT

Description: Failure to prevent flare malfunction.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 Special Condition #8.B PERMIT

Description: Failure to prevent the loss of flame on the flare.
 Date: 10/31/2008 (710686) CN602817884
 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: 10/31/2008 (636605) CN602817884
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)
 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(C)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(d)(2)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP

Description: Failure to repair four leaking pumps.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP

Description: Failed to repair leaking components within 15 days.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit HRVOC Delay of Repair report.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(i)
 5C THSC Chapter 382 382.085(b)

Description: Failure to conduct Extra-Ordinary Efforts.
 Self Report? NO Classification: Minor
 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 Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THSC Chapter 382 382.085(b)
 SC 34E PA
 STC 19 PA

Description: Failure to seal open ended lines.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 35F PA
 STC 19 OP

Description: Failure to conduct fugitive monitoring on 216 valves.
 Self Report? NO Classification: Moderate

Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to verify leak repairs.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.788(c) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to provide 30 day notification prior to HRVOC Audit.		
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 THSC Chapter 382 382.085(b) SC 13 PA STC 19 OP		
Description:	Failure to maintain hourly NOX emissions within limits.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1Hi OP		
Description:	Failure to maintain flare analyzer downtime to less than 5%.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(2) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to maintain ammonia emissions less than 10 ppmv.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1 PA STC 19 OP		
Description:	Failure to maintain ammonia emissions within the MAERT.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.340(d) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to monitor ammonia slip.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)(ii) 5C THSC Chapter 382 382.085(b) SC 11A PA STC 1A OP		
Description:	Failure to maintain flare exit velocity less than Vmax.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3) 5C THSC Chapter 382 382.085(b) SC 11A PA STC 1A OP		
Description:	Failure to maintain net heating content greater than 300 Btu/scf.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.335(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to test engine within 60 days.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.310(c)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to maintain CO emissions less than 400 ppmv.		
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 THSC Chapter 382 382.085(b) SC 1 PA STC 19 OP		
Description:	Failure to maintain firing rates within limits.		
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 THSC Chapter 382 382.085(b) SC 4B PA STC 19 OP		
Description:	Failure to maintain boiler firing rate less than 388 mmbtu/hr.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 49 PA STC 19 OP		
Description:	Failure to record vent stream flow to 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 THSC Chapter 382 382.085(b) SC 1 PA STC 19 OP		
Description:	Failure to maintain CO emissions within the MAERT.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 3Ai OP		
Description:	Failure to prevent visible emissions from stationary vents.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038(c)(2)(I) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to maintain records of Audio, Visual, Olfactory (AVO) inspections.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 38 PA STC 19 OP		
Description:	Failure to record time during ammonia AVO inspections		
Self Report?	NO	Classification:	Minor
Citation:	1A OP 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 3 PA		
Description:	Failure to maintain NOx emissions within limits		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.345(b)(2) 30 TAC Chapter 122, SubChapter B 122.143(4)		

5C THSC Chapter 382 382.085(b)
 STC 1A OP
 Description: Failure to submit PEMS RATA notification within 15 days.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 7A OP
 Description: Failure to prevent engine testing between 6 am and 12 noon.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 2F OP
 Description: Failure to submit Emission Event reports to local programs.
 Date: 11/10/2008 (700448) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1.B PERMIT
 Description: Failed to prevent the loss of flame on the flare.
 Date: 04/27/2009 (737963) CN602817884
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions during an emissions event.

F. Environmental audits.

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**

§
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§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0758-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 approximately two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004 in 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 20, 2009.
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 30, 2008, the Respondent disabled the mechanical trip mechanism on the No. 2 Olefins Unit cracked gas compressor (DDSC-201) that malfunctioned, since it was determined that the engine is equipped with adequate electronic systems. The electronic systems will maintain a continuous and safe operation of the C-201 gas compressor thus preventing a unit upset and flaring.
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 comply with permitted emissions limits, in violation of New Source Review Flexible Air Permit No. 95 / PSD-TX-854 Special Condition 1, 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 4, 2009. Specifically, the mechanical trip mechanism of C-201 crack gas compressor malfunctioned and diverted 15 pounds of 1,3-butadiene, nine pounds of butene, 3,762 pounds of carbon monoxide, 3,124 pounds of ethylene, 738 pounds of nitrogen oxide, 21 pounds of pentene, 21 pounds of propane and 57 pounds of propylene emissions to the flare [Emission Point Number DDM-3101] over a 17.3 hour period beginning on December 29, 2008. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b).

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. 2009-0758-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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
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.

INEOS USA LLC
DOCKET NO. 2009-0758-AIR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. ...
For the Executive Director

10/3/2009
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.

John Harvey III
Signature

8/17/09
Date

John Harvey III
Name (Printed or typed)
Authorized Representative of
Ineos USA, LLC

Site Manager
Title

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