EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1561-AIR-E **TCEQ ID:** RN100238708 **CASE NO.:** 36583

RESPONDENT NAME: INEOS USA LLC

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

SITE WHERE VIOLATION(S) OCCURRED: Chocolate Bayou Plant, Farm-to-Market Road 2004, Alvin, Brazoria County

TYPE OF OPERATION: Petrochemical plant

SMALL BUSINESS: ___ **Yes** X **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1279-AIR-E and 2008-1816-AIR-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 26, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Jeremy Escobar, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-1460; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. Randall Browning, HSE Manager, INEOS USA LLC, 2600 South Shore Boulevard, Suite 250, League City, Texas 77573-3091

Mr. John Harvey III, Site Director, INEOS USA LLC, 2600 South Shore Boulevard, Suite 250, League City, Texas 77573-3091

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** July 25, 2008 **Date of NOV/NOE Relating to this Case:** August 18, 2008 (NOE) **Background Facts:** This was a routine investigation. **AIR** Failure to prevent unauthorized emissions. Specifically, during an emissions event on April 14, 2008 in the Storm/Process Wastewater Tank, emissions point number ("EPN") AF-4601B emitted 2,787.2 pounds ("lbs") of volatile organic compounds ("VOC"). The event lasted 950 hours and 45 minutes. This emissions event was avoidable, since the Respondent could have performed better operation and maintenance practices, thereby, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Air Permit 95, Special Condition 1].	**Total Assessed:** $9,250 **Total Deferred:** $1,850 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $7,400 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent developed a plan to lower the temperature of the Storm/Process Wastewater Tank and skim off the organic layer floating on top of the water. **Ordering Provisions:** The Order will require the Respondent to: a. Develop and implement measures to regularly inspect the Storm/Process Wastewater Tank and make any needed repairs or modifications to prevent the reoccurance of similar events as the April 14, 2008 event; and b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

Additional ID No(s).: BL0002S

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision June 12, 2008*

TCEQ

DATES						
Assigned	25-Aug-2008					
PCW	3-Sep-2008	Screening	27-Aug-2008	EPA Due		

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.	36583	No. of Violations	1
Docket No.	2008-1561-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jeremy Escobar
		EC's Team	Enforcement Team 3

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 270.0% Enhancement — *Subtotals 2, 3, & 7* $6,750

Notes: Enhancement is due to eight NOVs with similar violations, twelve NOVs with dissimilar violations, eight agreed orders with denial of liability, two agreed orders without denial and four notices of intended audits.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* $0

Economic Benefit 0.0% Enhancement* — *Subtotal 6* $0

Total EB Amounts $168
Approx. Cost of Compliance $2,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $9,250

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $9,250

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $9,250

DEFERRAL 20.0% Reduction — *Adjustment* -$1,850

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $7,400

Screening Date 27-Aug-2008 **Docket No.** 2008-1561-AIR-E **PCW**

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

Case ID No. 36583 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Jeremy Escobar

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	8	40%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	8	160%
	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) 270%

>> **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

Enhancement is due to eight NOVs with similar violations, twelve NOVs with dissimilar violations, eight agreed orders with denial of liability, two agreed orders without denial and four notices of intended audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 270%

Screening Date 27-Aug-2008 **Docket No.** 2008-1561-AIR-E **PCW**

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

Case ID No. 36583 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Jeremy Escobar

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b), and Flexible Air Permit 95, Special Condition 1

Violation Description Failed to prevent unauthorized emissions. Specifically, during an emissions event on April 14, 2008 in the Storm/Process Wastewater Tank at INEOS Chocolate Bayou Plant, Emissions Point Number ("EPN") AF-4601B emitted 2,787.2 pounds ("lbs") of volatile organic compounds ("VOC") when hot process water entered into EPN AF-4601B which severely damaged the primary and secondary roof seals. The event lasted 950 hours and 45 minutes. This emissions event was avoidable, since the Respondent could have performed better operation and maintenance practices, thereby, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 40 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $168

Statutory Limit Test

Violation Final Penalty Total $9,250

This violation Final Assessed Penalty (adjusted for limits) $9,250

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 36583
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings	$2,000	14-Apr-2008	25-Jun-2009	1.20	$8	$160	$168
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 cost for additional oversight and to implement better operation and/or management practices designed to ensure proper maintenance procedures are followed. Date required is based on the date the emissions event began and final date is the expected date of compliance.

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: $2,000

TOTAL: $168

Compliance History

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

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0002S
AIR OPERATING PERMITS	PERMIT	1353
AIR OPERATING PERMITS	PERMIT	2327
WASTEWATER	PERMIT	WQ0001333000
WASTEWATER	PERMIT	TPDES0004821
WASTEWATER	PERMIT	TX0004821
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	12999
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200132
UNDERGROUND INJECTION CONTROL	PERMIT	5D0400007
AIR NEW SOURCE PERMITS	PERMIT	53419
AIR NEW SOURCE PERMITS	PERMIT	95
AIR NEW SOURCE PERMITS	PERMIT	101
AIR NEW SOURCE PERMITS	REGISTRATION	75608
AIR NEW SOURCE PERMITS	REGISTRATION	12953
AIR NEW SOURCE PERMITS	REGISTRATION	53419
AIR NEW SOURCE PERMITS	REGISTRATION	75399
AIR NEW SOURCE PERMITS	REGISTRATION	10465
AIR NEW SOURCE PERMITS	REGISTRATION	10906
AIR NEW SOURCE PERMITS	REGISTRATION	11060
AIR NEW SOURCE PERMITS	REGISTRATION	11539
AIR NEW SOURCE PERMITS	REGISTRATION	12136
AIR NEW SOURCE PERMITS	REGISTRATION	12709
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0002S
AIR NEW SOURCE PERMITS	AFS NUM	4803900014
AIR NEW SOURCE PERMITS	EPA ID	PSDTX854
AIR NEW SOURCE PERMITS	PERMIT	488A
AIR NEW SOURCE PERMITS	PERMIT	489
AIR NEW SOURCE PERMITS	PERMIT	491A
AIR NEW SOURCE PERMITS	PERMIT	1041
AIR NEW SOURCE PERMITS	PERMIT	2798
AIR NEW SOURCE PERMITS	PERMIT	2866C
AIR NEW SOURCE PERMITS	PERMIT	4882
AIR NEW SOURCE PERMITS	PERMIT	5419
AIR NEW SOURCE PERMITS	PERMIT	7196
AIR NEW SOURCE PERMITS	PERMIT	9517
AIR NEW SOURCE PERMITS	PERMIT	19868
AIR NEW SOURCE PERMITS	PERMIT	35735
AIR NEW SOURCE PERMITS	PERMIT	46192
AIR NEW SOURCE PERMITS	PERMIT	48637
AIR NEW SOURCE PERMITS	REGISTRATION	71820
AIR NEW SOURCE PERMITS	REGISTRATION	74968
AIR NEW SOURCE PERMITS	REGISTRATION	76394
AIR NEW SOURCE PERMITS	EPA ID	PSDTX793
AIR NEW SOURCE PERMITS	EPA ID	PSDTX983
AIR NEW SOURCE PERMITS	REGISTRATION	76826
AIR NEW SOURCE PERMITS	REGISTRATION	76401
AIR NEW SOURCE PERMITS	EPA ID	PSDTX642
AIR NEW SOURCE PERMITS	REGISTRATION	78501
AIR NEW SOURCE PERMITS	REGISTRATION	78483
AIR NEW SOURCE PERMITS	EPA ID	PSDTX854M2
WATER LICENSING	LICENSE	0200132
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD050309012
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30042
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50121
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	EPA ID	TXD050309012
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50121

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

Location: FM 2004, ALVIN, TX, 77512 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 26, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 26, 2003 to August 26, 2008

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

Name: Jeremy Escobar Phone: (512) 239-1460

Site Compliance History Components

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

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.

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.)

N/A

1	08/28/2003	(152166)
2	09/15/2003	(295181)
3	09/17/2003	(248915)
4	09/17/2003	(248837)
5	09/22/2003	(150004)
6	10/17/2003	(248985)
7	10/20/2003	(295183)
8	11/14/2003	(295186)
9	11/14/2003	(252631)
10	11/18/2003	(255236)
11	11/20/2003	(255571)
12	11/21/2003	(295184)
13	12/15/2003	(295185)
14	01/12/2004	(253433)
15	01/28/2004	(257699)
16	02/13/2004	(295169)
17	04/22/2004	(295172)
18	05/12/2004	(295174)
19	05/21/2004	(60492)
20	06/15/2004	(272258)
21	06/17/2004	(295176)
22	06/28/2004	(272032)
23	07/05/2004	(278334)
24	07/05/2004	(272798)
25	07/05/2004	(278078)
26	07/05/2004	(272521)
27	07/09/2004	(272455)
28	07/13/2004	(274532)
29	07/15/2004	(351989)
30	07/19/2004	(274762)
31	08/05/2004	(287465)
32	08/16/2004	(351990)
33	08/18/2004	(284687)
34	08/30/2004	(250202)
35	08/31/2004	(277083)
36	08/31/2004	(272440)
37	09/13/2004	(293314)
38	09/23/2004	(351991)
39	10/04/2004	(336250)
40	10/22/2004	(351992)
41	11/08/2004	(336528)
42	11/08/2004	(337000)
43	11/23/2004	(351993)
44	12/11/2004	(335356)
45	12/11/2004	(341906)

46	12/11/2004	(335371)
47	12/13/2004	(338522)
48	12/13/2004	(336245)
49	12/13/2004	(333505)
50	12/13/2004	(337068)
51	12/15/2004	(337091)
52	12/16/2004	(341903)
53	12/17/2004	(337094)
54	12/20/2004	(342723)
55	12/22/2004	(381804)
56	12/28/2004	(288451)
57	12/28/2004	(287065)
58	12/28/2004	(277182)
59	01/05/2005	(287246)
60	01/06/2005	(337406)
61	01/07/2005	(341099)
62	01/07/2005	(343281)
63	01/07/2005	(288575)
64	01/07/2005	(287050)
65	01/10/2005	(286887)
66	01/17/2005	(286916)
67	01/20/2005	(381805)
68	02/04/2005	(338314)
69	02/22/2005	(381802)
70	03/21/2005	(381803)
71	04/22/2005	(419633)
72	04/26/2005	(372080)
73	05/18/2005	(374942)
74	05/19/2005	(419634)
75	05/20/2005	(392949)
76	06/20/2005	(419635)
77	07/13/2005	(440766)
78	07/15/2005	(399321)
79	08/10/2005	(404141)
80	08/13/2005	(404828)
81	08/18/2005	(404361)
82	08/19/2005	(440767)
83	08/24/2005	(404609)
84	08/24/2005	(406770)
85	08/29/2005	(407005)
86	08/30/2005	(418277)
87	09/08/2005	(337658)
88	09/08/2005	(375408)
89	09/08/2005	(372077)
90	09/16/2005	(440768)
91	09/21/2005	(431548)
92	10/10/2005	(432962)
93	10/13/2005	(440769)
94	10/13/2005	(440770)
95	11/03/2005	(431679)
96	11/18/2005	(468323)
97	12/05/2005	(397651)
98	12/20/2005	(468322)
99	12/20/2005	(468324)
100	01/12/2006	(451532)
101	01/12/2006	(451560)
102	01/26/2006	(437342)
103	01/26/2006	(438227)
104	01/26/2006	(437271)
105	01/27/2006	(451469)
106	02/15/2006	(468321)
107	02/16/2006	(436530)
108	02/24/2006	(450737)
109	02/24/2006	(450766)
110	02/24/2006	(438700)
111	02/24/2006	(450771)
112	02/24/2006	(454384)
113	02/27/2006	(449481)

114	02/27/2006	(450755)
115	02/27/2006	(440360)
116	02/28/2006	(437776)
117	02/28/2006	(333721)
118	02/28/2006	(435662)
119	02/28/2006	(450758)
120	03/17/2006	(498116)
121	03/20/2006	(454984)
122	03/20/2006	(438702)
123	03/20/2006	(454973)
124	04/19/2006	(449649)
125	04/21/2006	(498117)
126	04/24/2006	(460197)
127	04/24/2006	(460166)
128	04/24/2006	(459777)
129	04/28/2006	(453217)
130	05/04/2006	(462911)
131	05/09/2006	(453215)
132	05/10/2006	(451219)
133	05/15/2006	(454640)
134	05/16/2006	(498118)
135	05/17/2006	(462063)
136	05/19/2006	(453213)
137	06/19/2006	(498119)
138	06/30/2006	(482249)
139	07/06/2006	(485562)
140	07/07/2006	(483977)
141	07/07/2006	(484327)
142	07/07/2006	(483768)
143	07/17/2006	(498120)
144	07/21/2006	(484894)
145	07/21/2006	(485159)
146	07/27/2006	(465816)
147	08/09/2006	(375409)
148	08/16/2006	(520130)
149	09/01/2006	(489158)
150	09/01/2006	(488482)
151	09/01/2006	(488416)
152	09/01/2006	(488185)
153	09/01/2006	(488461)
154	09/01/2006	(488316)
155	09/01/2006	(488258)
156	09/01/2006	(497259)
157	09/01/2006	(488259)
158	10/10/2006	(514525)
159	10/10/2006	(511470)
160	10/12/2006	(520131)
161	10/17/2006	(515418)
162	11/08/2006	(544398)
163	11/17/2006	(544397)
164	11/27/2006	(455008)
165	12/06/2006	(518260)
166	12/12/2006	(544399)
167	12/19/2006	(532142)
168	01/12/2007	(544400)
169	01/16/2007	(534803)
170	01/17/2007	(567358)
171	02/07/2007	(544396)
172	02/22/2007	(437530)
173	02/23/2007	(437902)
174	02/26/2007	(489773)
175	02/26/2007	(541487)
176	02/28/2007	(541747)
177	03/12/2007	(575151)
178	03/13/2007	(455785)
179	03/22/2007	(541397)
180	03/23/2007	(460443)
181	04/03/2007	(461307)

182	04/09/2007	(541411)
183	04/11/2007	(461770)
184	04/13/2007	(532653)
185	04/16/2007	(575152)
186	05/03/2007	(554914)
187	05/10/2007	(555702)
188	05/18/2007	(575153)
189	05/18/2007	(652283)
190	05/18/2007	(568214)
191	05/21/2007	(511619)
192	05/25/2007	(560317)
193	06/06/2007	(562013)
194	06/11/2007	(575154)
195	06/25/2007	(564693)
196	07/11/2007	(454997)
197	07/12/2007	(575155)
198	07/19/2007	(567658)
199	07/23/2007	(567132)
200	07/23/2007	(566724)
201	07/30/2007	(568409)
202	08/07/2007	(575156)
203	08/10/2007	(562140)
204	08/10/2007	(652667)
205	08/10/2007	(563070)
206	08/31/2007	(565801)
207	09/18/2007	(607523)
208	09/18/2007	(607524)
209	09/19/2007	(574167)
210	09/19/2007	(570290)
211	09/28/2007	(565477)
212	10/04/2007	(565852)
213	10/04/2007	(565854)
214	10/10/2007	(566839)
215	10/10/2007	(566452)
216	10/10/2007	(565967)
217	10/10/2007	(566915)
218	10/10/2007	(565963)
219	10/11/2007	(566941)
220	10/11/2007	(566955)
221	10/18/2007	(569974)
222	10/19/2007	(566879)
223	10/19/2007	(566487)
224	11/06/2007	(600100)
225	11/08/2007	(619477)
226	11/09/2007	(594738)
227	11/09/2007	(594251)
228	11/09/2007	(594021)
229	11/09/2007	(594360)
230	11/13/2007	(574346)
231	11/15/2007	(653032)
232	11/16/2007	(594681)
233	11/16/2007	(594670)
234	11/16/2007	(594676)
235	11/19/2007	(594880)
236	11/26/2007	(570225)
237	11/26/2007	(569987)
238	11/27/2007	(570543)
239	12/04/2007	(566947)
240	12/05/2007	(619478)
241	12/20/2007	(599302)
242	01/02/2008	(599812)
243	01/03/2008	(611841)
244	01/08/2008	(600585)
245	01/10/2008	(609407)
246	01/18/2008	(611544)
247	01/25/2008	(609712)
248	02/08/2008	(610485)
249	02/08/2008	(609996)

250	02/08/2008	(610061)
251	02/08/2008	(612681)
252	02/08/2008	(611999)
253	02/08/2008	(652098)
254	02/08/2008	(610221)
255	02/08/2008	(609244)
256	02/08/2008	(600663)
257	02/08/2008	(611533)
258	02/08/2008	(612004)
259	02/13/2008	(671984)
260	02/15/2008	(618820)
261	02/20/2008	(570269)
262	03/06/2008	(671985)
263	03/06/2008	(636901)
264	03/10/2008	(597253)
265	03/13/2008	(614947)
266	03/18/2008	(615557)
267	03/18/2008	(615556)
268	03/18/2008	(615544)
269	03/18/2008	(615545)
270	03/26/2008	(671987)
271	03/31/2008	(616611)
272	03/31/2008	(616733)
273	04/04/2008	(618108)
274	04/07/2008	(671986)
275	04/21/2008	(639800)
276	05/07/2008	(654421)
277	05/09/2008	(637781)
278	05/12/2008	(689902)
279	05/16/2008	(639984)
280	05/16/2008	(639937)
281	05/16/2008	(640018)
282	05/23/2008	(640200)
283	06/10/2008	(689903)
284	06/26/2008	(683110)
285	06/27/2008	(684063)
286	06/30/2008	(671377)
287	06/30/2008	(671397)
288	07/07/2008	(641625)
289	07/15/2008	(681456)
290	07/28/2008	(687478)
291	08/14/2008	(686668)
292	08/19/2008	(687694)
293	08/22/2008	(687895)

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

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: 05/18/2007 (652283)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

Date: 05/18/2007 (568214)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.

Date: 08/10/2007 (652667)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

Date: 08/31/2007 (565801)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP #O-01353, Special Condition #1A
OP FOP #O-01353, Special Condition #6
PERMIT Permit #19868, Special Condition #5E
PERMIT Permit #35735, Special Condition #8E
PERMIT Permit #5419, Special Condition #8E
Description: Failure to seal open-ended lines in a VOC service.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP # O-01353, Special Condition #1A
OP FOP # O-01353, Special Condition #6
PERMIT Permit #19868, Special Condition #8D
PERMIT Permit #35735, Special Condition #4
Description: Failure to prevent flares' on-line analyzers to be out of service.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP #O-01353, Special Condition #1A
OP FOP #O-01353, Special Condtion #6
PERMIT Permit #35735, Special Condition #3
Description: Failure to prevent visible emissions at the flare.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP #O-01353, Special Condition #6
PERMIT Permit #35735, Special Condition #4
Description: Failure to prevent flare monitoring data for vent flow rate lost due to parametric meter malfunction.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to include in four previous deviation reports (May 2005 to October 2006) their failure to submit semi-annual reports of non-repairable HRVOC fugitive

emission components to TCEQ Houston Region Office.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

Description: Failure to submit reports of HRVOC fugitive emissions components that were non-repairable (i.e. placed on delay of repair) to the TCEQ and local agency semi-annually as required until the report covering the period ending December 31, 2006.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Date: 09/30/2007 (607523)

Self Report? YES Classification: Moderate

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

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

Date: 11/15/2007 (653032)

Self Report? NO Classification: Moderate

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

Description: TOTAL TRIHALOMETHANES

Date: 02/08/2008 (652098)

Self Report? NO Classification: Moderate

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

Description: TOTAL TRIHALOMETHANES

Date: 04/04/2008 (618108)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT No. 95, Special Condition 1

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

Date: 07/15/2008 (681456)

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)

Rqmt Prov: PERMIT Special Condition No. 8B

Description: 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)

Rqmt Prov: PERMIT Special Condition 1

Description: Failed to prevent unauthorized emissions.

Date: 08/22/2008 (687895)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT Special Condition #1

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)

Rqmt Prov: PERMIT Special Condition #8.B
Description: Failure to prevent the loss of flame on the flare.

F. Environmental audits.

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

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

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

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

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED ORDER
DOCKET NO. 2008-1561-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 at Farm-to-Market Road 2004 in Alvin, Brazoria County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 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 Nine Thousand Two Hundred Fifty Dollars ($9,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Four Hundred Dollars ($7,400) of the administrative penalty and One Thousand Eight Hundred Fifty Dollars ($1,850) 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 the Respondent developed a plan to lower the temperature of the Storm/Process Wastewater Tank and skim off the organic layer floating on top of the water.

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 § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Air Permit 95, Special Condition 1, as documented in an investigation conducted on July 25, 2008. Specifically, during an emissions event on April 14, 2008 in the Storm/Process Wastewater Tank, emissions point number ("EPN") AF-4601B emitted 2,787.2 pounds ("lbs") of volatile organic compounds ("VOC"). The event lasted 950 hours and 45 minutes. This emissions event was avoidable, since the Respondent could have performed better operation and maintenance practices, thereby, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense 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. 2008-1561-AIR-E" to:

   Financial Administration Division, Revenues Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Develop and implement measures to regularly inspect the Storm/Process Wastewater Tank and make any needed repairs or modifications to prevent the reoccurance of similar events as the April 14, 2008 event; and

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

      "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

      The certification shall be submitted to:

      Order Compliance Team
      Enforcement Division, MC 149A
      Texas Commission on Environmental Quality
      P.O. Box 13087
      Austin, Texas 78711-3088

      with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

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

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

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 1/22/2009
For the Executive Director Date

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

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

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

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

_____ 11/12/08
Signature Date

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

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